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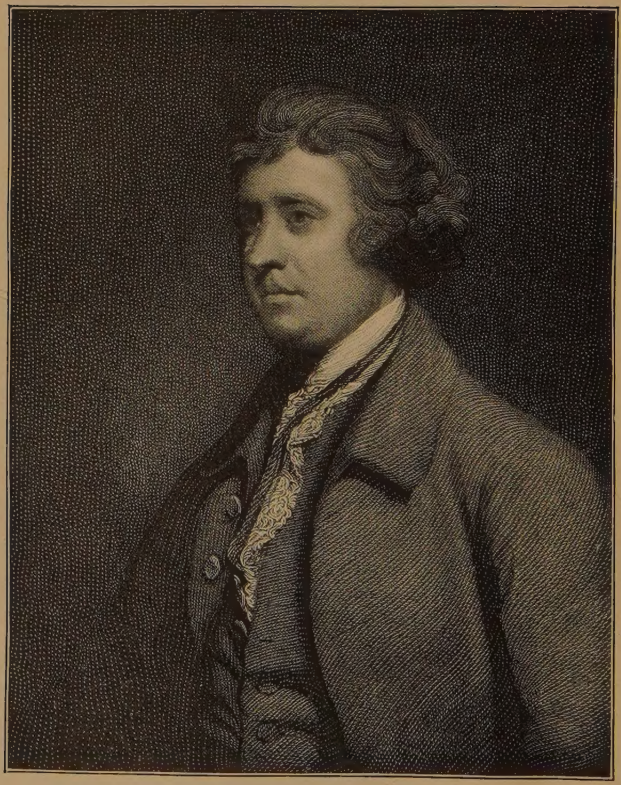

GATEWAY SERIES

SPEECH ON CONCILIATION WITH AMERICA

BY

EDMUND BURKE

EDITED BY

WILLIAM MACDONALD, PH.D., LL.D.
PROFESSOR OF HISTORY IN BROWN UNIVERSITY

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burke's conciliation.

W. P. I

PREFACE

A BOOK whose method and aim are not fairly apparent on inspection is not likely, I think, to be made much clearer through the agency of a preface. In the present instance, accordingly, it seems unnecessary to say more than that I have sought, in harmony with the general plan of the Gateway Series, to treat Burke's speech, not as a "literary puzzle" for the student, or as a medium for learned display by the editor, but rather as a great argumentative discourse whose interest for American youth ought always to be historical as well as literary. The *Speech on Conciliation* is rightly regarded as a masterpiece of logical exposition and elaboration, but it will not do to forget that it is also the sanest and most powerful plea for reasonableness and consideration put forth during the whole period of the struggle between the American colonies and the mother country. The introduction, therefore, dwells more upon the circumstances out of which the speech sprang than upon its place in Burke's political philosophy or its technical contribution to formal argumentative writing, while the notes have been kept as free as possible from the minute literary parallelism — not seldom, as it seems to me, appreciably overdone —

with which it has sometimes been thought necessary to weight down this particular piece of good literature. In other words, I have assumed that the teachers and students who will use this book will be prepared to do some work, especially in literary and rhetorical lines, for themselves, and will not care to have their intellectual food too much predigested.

Much of the material in the notes was collected for other purposes long before I ever thought of editing the *Speech on Conciliation*, and I have not refrained from using it because other editors have traversed somewhat the same ground. Certain portions of the explanatory matter have also done duty, in one form or another, in other editions, and could not well be dispensed with or radically changed in this. A considerable number of notes, however, chiefly such as deal with historical, legal, or parliamentary matters, are new. It will be remembered that most of the bibliographical matter is, by the plan of the series, relegated to a supplementary volume.

The text is that of the second edition, but with modernized spelling, capitalization, and punctuation.

WILLIAM MACDONALD.

BROWN UNIVERSITY.

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INTRODUCTION

I. The Colonies and the Mother Country

From the middle of the seventeenth century it had been the policy of the English Parliament to regulate the trade of the American colonies with primary reference to the interests of British merchants. A long series of statutes, known collectively as the Navigation Acts or Acts of Trade, were eventually passed to secure these results. The acts were restrictive in that they debarred foreigners, especially the Dutch, from participation in the colonial carrying trade, but they were not oppressive, nor did they on the whole seriously interfere with the development of colonial commerce. As an offset to some of the acts, bounties were granted on the production or exportation of specified articles, as, for example, on the rice of Carolina. Viewed from the standpoint of the present day, the policy of England was short-sighted. It was, however, in accord with the prevailing political and economic theories of the time, which looked upon a colony as a possession to be exploited for the benefit of the mother country.

From the beginning, however, the Acts of Trade had

been more or less systematically evaded by the colonies, particularly by New England. The most lucrative commerce of New England in the early part of the eighteenth century was with the French and Dutch sugar-producing colonies in the West Indies, and this trade, though forbidden by law, continued to thrive, and in no small part with the connivance of the customs officials. From time to time the English merchants complained to the Lords of Trade — the committee of the Privy Council through which the affairs of the colonies were administered — of their loss of revenue, but political corruption in England was so firmly intrenched that no effective steps toward reform were taken for some time.

The capitulation of Montreal, in 1761, carried with it the surrender of all Canada, and by the treaty of Paris, in 1763, which closed the Seven Years' War, the whole of the continental possessions of France in North America passed into the control of Great Britain. The colonies had exerted themselves to the utmost during the war, and many of them had incurred large debts, notwithstanding the reimbursement by Parliament of a considerable part of their expenses. There were loud complaints in England, however, of the cost of the war, and particularly of the increase of the national debt, now amounting to about £140,000,000. The immediate advantage of the war, in freedom from French aggression, obviously accrued to the colonies rather than to the mother country, while the likelihood of a renewal of the war by France as soon as a convenient opportunity offered

made it clear that what had been won must also be defended. The time seemed ripe, therefore, for some reorganization of the colonial system, with a view to the more effective control of the colonies by Great Britain.

When, in February, 1763, Charles Townshend became First Lord of Trade in the brief ministry of Lord Bute, it was announced that requisitions on the colonial assemblies were to give place to taxes laid by Parliament, that colonial governors and judges were thereafter to be paid by the Crown instead of by the colonies, and that a small standing army was to be maintained in America at colonial expense. Grenville, who succeeded Bute as prime minister in April, had been one of the Secretaries of State in the previous administration, and was especially well informed in regard to colonial matters. He resolved to put an end to American smuggling, the extent of which had greatly increased during the war. "The Commissioners of Customs were ordered at once to their posts. Several new revenue officers were appointed with more rigid rules for the discharge of their duties. The Board of Trade issued a circular to the colonies representing that the revenue had not kept pace with the increasing commerce, and did not yield more than one-quarter of the cost of collection, and requiring that illicit commerce should be suppressed, and that proper support should be given to the customhouse officials. English ships of war were at the same time stationed off the American coast for the purpose of intercepting smugglers." [1]

[1] Lecky, *England in the Eighteenth Century*, vol. iii, p. 334.

The next step was the passage of a new Act of Trade. An act of 1733, commonly known as the Molasses Act, imposing prohibitory duties on the sugar and molasses of the French West Indies in the interest of the English sugar colonies, had been generally disregarded. That act was now revived, though with reduced duties, and a new act passed laying duties on sugar, indigo, coffee, wines, linens, and other articles imported into the colonies, and restricting to Great Britain the colonial export trade in lumber and iron. The receipts from these new duties were to be "disposed of by Parliament, towards defraying the necessary expenses of defending, protecting, and securing the British colonies and plantations in America." At the same time, however, bounties were granted on American hemp and rice, and the whale fishery was thrown open to colonial participation without restriction.

The third part of Grenville's scheme was a Stamp Act. Stamp duties had long been familiar in England, but Grenville moved slowly, and apparently with reluctance, in extending the system to America. In March, 1764, the proposed introduction of a stamp bill was announced in the House of Commons, but the matter was then laid over until the next session in order that the colonies might, if they chose, suggest some method more agreeable to them of raising the revenue which had been determined upon.

When the news of the proposed legislation for the colonies reached America, it everywhere occasioned pro-

found apprehension. Whatever the theoretical right of Parliament to tax the colonies might be, that right had not in fact been exercised thus far. The Acts of Trade had had for their object the regulation of colonial commerce, and although at times vexatiously restrictive, had not been on principle objected to. The proposal to tax the colonies directly by act of Parliament, however, seemed to the colonies, accustomed as they were to be taxed only by their representative assemblies, not only unwarranted but also highly dangerous. The purposes for which the proceeds of the new taxes were to be used, also, were not acceptable. The colonies had the traditional English dread of a standing army, however small or apparently necessary, while the payment of the salaries of governors and judges from the imperial treasury instead of from the treasury of the colony would, it was feared, by increasing the independence of those officials, diminish their sense of responsibility to the people and enable them, if they chose, to override the wishes of the assemblies.

There was no agreement among the colonies, however, as to the way in which the required revenue should be raised, while protests were made against the raising of the revenue at all. Grenville, accordingly, brought in and carried the Stamp Act. There were remonstrances from London merchants and protests from several of the colonial agents, but there was no effective opposition in Parliament. The estimated revenue from the act was £100,000. The dispatch to America of such troops as

might be deemed necessary was further authorized, and a Quartering Act passed to provide for their accommodation.

The attitude of the colonies was at first that of passive resistance, but before long the growing opposition led to numerous outbreaks of violence, directed particularly against the stamp distributers. In October, 1765, a Stamp Act Congress, representing nine colonies, met in New York and adopted resolutions declaring against the right of Parliament to tax the colonies without their consent. When the first of November, the date on which the act was to go into effect, arrived, there were no stamps to be had. Fortunately, events in England prepared the way for a repeal of an act that obviously could not be enforced. In July the Grenville ministry went out of office. Rockingham, who succeeded as prime minister, was friendly to America, and on the eighteenth of March, 1766, the Stamp Act was repealed. Accompanying the act of repeal, however, was a so-called Declaratory Act, asserting the right of Parliament to bind the colonies by legislation in all cases whatsoever.

Events were to show that the Declaratory Act was not, as many affected to believe, a mere empty assertion to save the dignity of Parliament. The repeal of the Stamp Act caused great rejoicing, but the political conditions in England were disquieting. Grenville and his followers refused to be reconciled, while George III, who had notoriously interfered with his ministers during the debates on the repeal, was dissatisfied and chagrined. Rocking-

ham was marked for removal, and in July was dismissed, a ministry headed by the Duke of Grafton succeeding, but with Pitt, whom the king had won by assurances and blandishments, as the real head of affairs. Virtuous as Pitt's own motives undoubtedly were, his course at this time has generally been regarded as the great mistake of his political career.

Early in 1767 the landed gentry secured the passage of an act reducing the land tax. It was generally assumed that the deficiency of revenue thus caused would be made good from America. Pitt, now Earl of Chatham, was incapacitated by illness, and the actual control of ministerial policy was assumed by Charles Townshend, who had already usurped it. Townshend brought forward four bills relating to America, all of which became law by the first of July. The first prohibited the New York Assembly from legislating until it had fully complied with the provisions of the Quartering Act. The second aimed to improve the colonial customs service. The third proposed to raise an American revenue by the imposition of import duties, the proceeds to be applied to paying the salaries of judicial and civil officers and defraying the expenses of defending the colonies. The estimated annual revenue from this act was £40,000. The fourth act reduced the duties on tea. Townshend died before the acts went into effect, and the responsibility for their enforcement passed to his successor.

The news of the passage of the Townshend acts revived in America the earnest discussion of the right of Parlia-

ment to tax the colonies, which had been first awakened by the Stamp Act. The first attempt to combat the acts was by means of agreements not to import the articles on which duties were laid, and to encourage domestic manufactures. The Massachusetts House of Representatives went further, and in February, 1768, in a circular letter to the other colonies, entered its protest, in dignified but earnest language, against the claim to tax the colonies by parliamentary authority, and the proposed payment of judges and civil officers by the Crown. The replies of the other colonies were favorable. When the circular letter became known in England, however, it was bitterly denounced, and Lord Hillsborough, Secretary of State for the Colonies, in a letter to the colonial governors, called upon them to use their utmost influence to prevent its approval by the assemblies, and in case the assemblies persisted, to prorogue or dissolve them. The Massachusetts House of Representatives was also called upon to rescind the resolution by which the circular letter was authorized. By a vote of 92 to 17 the House refused to rescind, whereupon the General Court was dissolved. Similar dissolutions took place also in other colonies.

In September, 1768, two British regiments from Halifax arrived at Boston and were quartered in the town. On the fifteenth of December an address to the king was moved in the House of Lords, urging that immediate steps be taken to apprehend the persons responsible for the late disorders in Boston, — particularly those connected with the seizure of John Hancock's sloop *Liberty*

for smuggling, — with a view to sending them to England for trial, under the alleged authority of a statute passed in the reign of Henry VIII, for the trial of treasons committed out of the kingdom. Nothing yet done or threatened so alarmed the colonies as this monstrous proposition. The Virginia House of Burgesses protested strongly against the proposed action as a flagrant violation of the right of Englishmen to be tried by a jury of the vicinage and according to the established course of the common law. For passing these resolutions the House was dissolved, but the members met and adopted a non-importation agreement.

It was evident that the second attempt to tax America had failed. In April, 1769, Thomas Pownall, formerly governor of Massachusetts and now a member of Parliament, showed that the receipts from the Revenue Act, which Townshend had estimated at £40,000, had been for the first year less than £16,000, of which all but £295 had been absorbed by the expenses of the new system of customs administration; while the extraordinary military expenses in America for the same period amounted to £170,000. In January, 1770, the Grafton ministry fell, and Lord North, who was to pilot the affairs of England through the next twelve years of storm and stress, took the helm. In March the duties imposed by the Townshend Revenue Act, except that on tea, were repealed, the duty on tea being retained as an assertion of the right of Parliament to tax the colonies — "a right," said North, "he would contend for to the last hour of his life."

The alarm and resentment of the colonies at the arbitrary course of Parliament were greatly increased by the high-handed proceedings in the Wilkes case. John Wilkes, a "worthless demagogue," though a member of the House of Commons, had published in No. 45 of the *North Briton* a severe criticism of the royal address transmitting to Parliament the treaty of Paris, in 1763. A general warrant was issued for the apprehension of all persons concerned in the publication of the offensive newspaper. Wilkes, pleading his privilege as a member of Parliament, was released, and the court shortly declared general warrants illegal; but the House voted No. 45 a libel, and Wilkes was expelled. A coarse poem written by Wilkes was also voted a libel and a breach of privilege by the House of Lords. Wilkes fled to the Continent, and in February, 1764, was outlawed. In 1768, however, he returned, and in the general election of that year came forward as a champion of parliamentary reform. Though still an outlaw, the voters of Middlesex returned him to Parliament. The old sentence of outlawry was set aside by Lord Mansfield as illegal, but Wilkes was immediately arrested under the old charge of libel, and sentenced to imprisonment for twenty-two months and a fine of £1000. Further, the House of Commons again expelled him. The voters of Middlesex immediately reëlected him, but the House set the election aside as invalid. A third election gave Wilkes an overwhelming majority of the votes, but the Commons seated his opponent. A grave constitutional question, involving the right of the House

of Commons to ride roughshod over the electors, was thus raised. Petitions poured into the House, and Wilkes, now a popular hero, was chosen an alderman of London. These events, clearly indicative of the arbitrary temper of Parliament and king, were closely followed in America, where they coincided with the opposition to the Townshend acts; and the sympathy of the colonists was shown by the addresses and presents which they sent to Wilkes in prison.

The two or three years following the repeal of the Townshend Revenue Act saw a general subsidence of the excitement in America. The Boston massacre, in March, 1770, greatly imbittered popular feeling for a time in Massachusetts, and made that colony more than ever the leader of the colonial resistance; but with reasonable moderation on the part of the colonies and the exercise of common sense on the part of the king and his ministers, the outlook was unquestionably favorable to peace. In 1773, however, all the slumbering ill-feeling and irritation between Massachusetts and the mother country was suddenly fanned into flame by the publication of the Hutchinson letters. Some letters written by Hutchinson, before he became governor of Massachusetts, but while he was occupying other important political offices, to a private correspondent in England, fell into the hands of Franklin. The letters, "written with the perfect freedom of confidential intercourse,"[1] contained passages reflecting on the motives and aims of the popular leaders in

[1] Lecky, vol. iv, p. 413.

Massachusetts, and expressing the hope that the connection between the colonies and Great Britain might not be broken. Franklin, who at once saw the political importance of the letters, sent them to Massachusetts with the stipulation that they should not be printed and should be eventually returned. Notwithstanding the stipulation, however, the letters were published. The Massachusetts House of Representatives shortly petitioned for Hutchinson's recall. In England, where the tide was now setting strongly against America, Franklin, who had taken pains to defend his part in the transaction, was dismissed from his office of postmaster-general for North America.

The climax of colonial opposition, short of open war, was reached in the resistance, during the fall of 1773, to the importation of tea through the agency of the East India Company. Here, as before, resistance was based, not on the amount of the tax, but on the principle which the payment of any tax levied on the colonies by authority of Parliament involved. English public opinion, imperfectly aware of the merits of the dispute, but tired of colonial disorder on the one hand and ministerial vacillation on the other, was in favor of compelling the turbulent colonies to submit. Naturally Massachusetts, as the chief offender, was now selected as the chief victim. Between the last of March and the end of June, 1774, three drastic coercive acts were passed. The Boston Port Act closed the port of Boston to commerce, save in foods, and transferred the customs business to Salem. The Massachusetts Government Act so altered the charter of the colony as

to provide for the appointment of councillors and judicial officers by the governor, and the choice of jurors by the sheriffs, while town meetings, save for the election of officers and sheriffs, were interdicted. The Administration of Justice Act provided for the trial in England or in another colony of any person indicted in Massachusetts for murder or other capital crime because of some act committed by him in the enforcement of law, in case a fair trial could not be had in Massachusetts. A new Quartering Act was also passed "to facilitate the establishment of a temporary military government in America."

The Boston Port Act went into effect on the first day of June. On the seventeenth, the Massachusetts House of Representatives issued a call for a congress of the colonies, to meet in Philadelphia on the first of September. Delegates from twelve colonies appeared in response to the summons. Petitions to the king and the people of Great Britain, and a declaration of the rights and grievances of the colonies were drawn up, and an agreement, known as the "Association," pledging the signers to nearly complete commercial non-intercourse with Great Britain, was adopted. In Massachusetts, events moved rapidly toward the inevitable crisis. The General Court having been dissolved, a provincial congress was formed in its stead, and by common consent assumed direction of affairs. Arms and military supplies were collected and the militia organized. Similar preparations for forcible resistance, should that prove necessary, were made in

other colonies, while committees of correspondence were unceasingly active in stimulating public sentiment and organizing opposition.

In September, 1774, while the aspect of American affairs was gravely serious, Parliament was dissolved. The result of the general election was a virtually complete indorsement of the king and the ministerial policy. The new Parliament met on the thirtieth of November, but for some weeks nothing of importance was done. Then, on the nineteenth of January, 1775, the petition to the king drawn up by the Continental Congress, together with voluminous papers relating to affairs in the colonies, was laid before Parliament. Although a majority of the members were undoubtedly opposed to America and its claims, the American cause at once found earnest and eloquent advocates. The Earl of Chatham brought forward a plan of conciliation, and defended it in a great speech, but the bill was not even accorded a second reading. An address pledging support to the king in his efforts to put down the rebellion was agreed to, notwithstanding the protest of eighteen lords. On the tenth of February Lord North moved for leave to bring in a bill to restrain the trade and commerce of the New England colonies to Great Britain, Ireland, and the West Indies. By a vote of 261 to 85 the motion was carried, and on the eighth of March the bill passed the House of Commons without a division.

It was on the twenty-second of March, while the New England Restraining Bill was before the lords, that Burke, who had already protested against the Restraining Bill,

moved in the House of Commons a series of resolutions, in whose support he made his great speech on Conciliation with America.

II. The Early Life of Burke

Edmund Burke was born in Dublin, probably on the twelfth of January, 1729. In 1743 he entered Trinity College, taking his bachelor's degree there five years later. He seems to have read a good deal during his college days, but otherwise his career as a student was not distinguished. The details of his life for the next few years are obscure, but he went to London in 1750 and began the study of law, though he was never called to the bar. A literary life had strong attractions for him, superior, apparently, to those of the legal profession, but of the particular direction of his studies we know nothing. In the winter of 1756 he married.

Burke's first essays in authorship were his *Vindication of Natural Society* and *A Philosophical Inquiry into the Origin of our Ideas of the Sublime and Beautiful*, both published in 1756. These were followed by an *Account of the European Settlements in America*, not, probably, entirely of his own composition. In 1759 began the publication of the *Annual Register*, to which Burke for many years contributed the account of political events.

In 1761 Burke accompanied Hamilton, secretary to Lord Halifax, to Ireland in some official capacity, and in 1763 was granted a pension of £300 a year from the

Irish treasury; but his refusal to devote the whole of his time to his patron led him, at the expiration of two years, to relinquish both office and emoluments. When Rockingham became prime minister, however, in 1765, Burke became his private secretary, and the friendship thus formed continued throughout Rockingham's life. Just before the end of the year he obtained a seat in the House of Commons. In the discussion of American affairs then going on Burke at once took part, and two speeches which he made in favor of the repeal of the Stamp Act and the passage of the Declaratory Act attracted much attention, and won high commendation from Pitt and Dr. Johnson. It should be noted that Burke's opposition to the Stamp Act was based, not on a denial of the right of Parliament to tax the colonies, but on the ground that it was inexpedient to assert the right under the circumstances. From this position Burke never departed.

In the great excitement over the Middlesex election Burke championed the cause of Wilkes, as he did the cause of the printers who were proceeded against for reporting the debates of the House of Commons. As a politician he was active in his efforts to keep together the so-called Rockingham Whigs, "the most upright, consistent and disinterested body of men then in public life."[1] A pamphlet entitled *Thoughts on the Cause of the Present Discontents*, published in 1770, reviewed in a masterly way the whole course of policy which had

[1] Morley, *Burke*, p. 62.

brought about the existing disordered conditions. In 1771 Burke was made colonial agent for New York. In 1772 he was urged to go out to India as head of a commission to examine the affairs of the East India Company, of which he had been one of the proprietors, but he declined. The next year he went to France, where he had exceptional opportunities to observe at first hand some of the social and intellectual conditions out of which sprang the French Revolution.

In the general election of 1774, Burke was at first chosen for the small borough of Malton, but was shortly returned from Bristol, then the second city in commercial importance in England. For the next eight years he was allied with Fox in opposition to the policy of Lord North, the prime minister. On the nineteenth of April, 1774, while the proposed repeal of the tea duty was under discussion, Burke, in a great speech on American Taxation, urged the repeal of the duty. A repeal would not, he argued, lead to demands from the colonies for further concessions, nor was the preamble of the Townshend Revenue Act, which declared it to be "expedient" that a revenue should be raised in America, an obstacle to repeal. He pointed out also that Hillsborough's letter to the governors was a surrender, in the name of the king and the ministry, of the principle of taxing the colonies, and he reviewed at length the history of American taxation. The effect of the speech upon those who heard it was very great. The public, however, were not admitted to the House to hear the debate, and did not

have the text of the speech until its publication by Burke about a year later.

III. The Speech on Conciliation

The speech on Conciliation, following so soon after the speech on American taxation, might naturally be expected to repeat much of what had been already said. On the contrary, however, it is a new and fresh treatment of the American situation, arguing with consummate force of logic, rhetoric, and eloquence, but in a temperate and conciliatory tone, the claims of the colonies to a share in the privileges and spirit of the British constitution. Later speeches, particularly the speech on the Nabob of Arcot's Debts, contain descriptive passages of greater vividness, but in logical skill, rhetorical finish, effective grouping of facts, mingled simplicity and ornateness of style, winning manner, and fervent appeal, the speech on Conciliation marks a perfection beyond which Burke did not go.

The speech falls naturally into four parts. In the first, or introductory section, Burke, after noting the seriousness of the question before the House and the varying attitude of Parliament from time to time toward it, proposes to bring about peace by the simple plan of removing the existing grounds of difference. Such action, indeed, it is pointed out, is foreshadowed by the action of the House in accepting Lord North's resolution, and is justified on the broad ground that England, as the greater

power, ought to be the first to offer concessions. The two leading questions before the House, therefore, are, first, whether there ought to be concession, and, second, what the concession ought to be. The determination of these questions depends, not upon abstract ideas of right or general theories of government, but upon the particular nature and circumstances of America.

With this introduction, Burke enters upon an account of the present condition of America, particularly as regards its population, its trade, its agriculture, its fisheries, and the character of its people. It will be noted that, disregarding strict logical arrangement, the vivid description of American character is preceded by an argumentative passage against the use of force — a passage whose more logical place would be in connection with the third part of the speech.

The ground having been thus prepared, Burke then comes directly to the main question of how to deal with America. He points out that the spirit which prevails in the colonies can be dealt with in but three ways: first, changing the spirit by removing its causes; second, prosecuting it as criminal; and third, yielding to it as necessary, that is, giving up the pretended right of taxation. The first is difficult, if not impossible. The second is either impracticable or inexpedient. The third, therefore, is necessary, and the only one which will satisfy colonial complaints. It is further pointed out that such concession will not lead to demands for others, and will be based on historical precedents which show its

practicability, and stamp the present position of the ministry as erroneous.

In conclusion, the resolutions embodying the plan already set forth are submitted, their provisions discussed in detail, the objections to them answered, and Lord North's plan criticised by comparison.

The speech on Conciliation affords a good illustration of Burke's political creed and his characteristics as a writer. Burke reckoned himself a Whig, as the term was then understood in England, but his political opinions were such as would class him now as a Conservative. It must be remembered that in the latter part of the eighteenth century it was the Tories, and not the Whigs, who were the progressive or reform party in England. Burke, who always insisted that he was politically consistent, favored reform, but not such as would endanger the ancient constitution of the government. He abhorred abstract theories and "metaphysical generalities" in politics, and insisted that the guiding question for the statesman ought to be, not so much whether a proposed action was right in law, as whether it was expedient. For democracy, in the usual eighteenth century sense, he had no liking, and never ceased to denounce its pretensions. At the same time, his enormous wealth of political information gave to his outlook a broader range than that of most of his contemporaries, and led him to trust the general sense of mankind as more reliable than the opinions of the moment.

To the student who approaches Burke's speeches for

the first time, their most striking literary characteristic is likely to seem their conversational style. "They have always the air of a spoken *appeal* from man to man."[1] As compared with the fashion of the present day, the style is formal, with here and there a rhetorical ornateness which would now be thought extravagant and overdone.[2] Burke represents, however, a period of transition from the formality of the early eighteenth century to the greater naturalness of the nineteenth; and while his rhetoric, like his thought, is often gorgeous or grand, it is pervadingly natural and suited to the subject. The preference for particular rather than general terms,[3] the skillful alternation of short and long sentences,[4] the numerous and carefully contrived figures of speech,[5] the frequent literary allusions, especially to the Bible and the Greek and Latin classics, and in general the union of forcibleness, naturalness, and comprehensiveness with brevity and compactness,[6] are further characteristics of which the speech on Conciliation affords numerous illustrations.

[1] Burke, *Select Works*, edited by Payne, I, xxxiii.

[2] *E.g.* the reference to Lord Bathurst, p. 51.

[3] *E.g.* the passage beginning "In large bodies the circulation of power," p. 64, and the description of the political condition of Ireland, pp. 87, 88.

[4] *E.g.* the paragraphs beginning, "First, the people of the colonies," p. 58, and, "Secondly, it is an experiment," p. 115.

[5] *E.g.* the account of Ireland, pp. 87, 88, and the passage beginning, "For that service, for all service," p. 124.

[6] The passage beginning, "Sir, here is the repeated acknowledgment," p. 103, is a good specific illustration of this general quality.

On the other hand, while Burke was a great orator, he was not a great debater, nor did his speeches carry conviction to those who heard them as forcibly as they did to those who read them. "The heavy Quaker-like figure, the scratch wig, the round spectacles, the cumbrous roll of paper which loaded Burke's pocket,"[1] were not prepossessing. Some of the members of the House styled him the "dinner-bell," and the speech on Conciliation, according to Erskine, emptied the House, though everybody read it afterward. His intense earnestness, impassioned manner, awkward gestures, and pronounced Irish brogue, coupled with not the best of temper under opposition or criticism, often, especially in his later years, weakened the effect of what he said. At the same time, it must be remembered that the oratory of Burke was of a kind to which the House of Commons was not accustomed, and which violated the time-honored traditions of public speaking, so that it was not wholly unnatural that the unfamiliar manner should have tended to obscure the wisdom of what was being said.

IV. Burke's Subsequent Career

Burke's subsequent career, though of the highest importance in the history of the time, must be briefly sketched. The speeches on America had established Burke's reputation as an orator and a statesman, and thereafter whatever he said or wrote was sure of attention

[1] Green, *Short History*, p. 770.

even from those who, at the moment, preferred not to listen to his speeches. Consistent opposition to the policy of the ministry in dealing with America led him in 1776, together with others of his party, to absent himself from the House when American affairs were under discussion; and in a notable *Letter to the Sheriffs of Bristol* he defended his course. In February, 1778, however, he made a great speech against the employment of Indians in the war with the colonies. In 1780 he championed the cause of economical reform, with the object not only of reducing expenditures, but also of so reforming the civil service as to put a stop to the political corruption through which the House of Commons was still largely controlled. His support of the claims of Ireland to more liberal commercial treatment, however, offended his Bristol constituency, and in the election of 1780 he was defeated. Through the influence of Rockingham he was shortly returned from Malton. When Rockingham succeeded North as prime minister, in 1782, Burke was made paymaster of the forces, but the death of Rockingham and the elevation of Shelburne brought about a disruption of the Whig party, for which Burke was largely responsible. His excessive vehemence in debate increased, and annoying interruptions in the House were frequent.

The formation of the Coalition ministry, in 1783, brought again into office North, Fox, and Burke. A bill for administrative reform in India was defended by Burke in one of his greatest speeches, but to no purpose. The

Coalition ministry had no hold on the people, and gave way at the end of 1783 to that of William Pitt, who continued prime minister until 1804. In 1785, in a speech on the Nabob of Arcot's Debts, Burke began the attack on the administration of the East India Company which culminated in the charges of impeachment against Warren Hastings. The trial opened in 1788, and after dragging along for seven years, resulted in a verdict of acquittal by the House of Lords. In the meantime he had published, in 1790, his *Reflections on the French Revolution*, in which he attacked the revolution, its principles and leaders, with the utmost vehemence, and pointed out the evils which he was convinced must flow from the spread or adoption of the democratic ideas which underlay it. The book had, for the time, an enormous sale, and was eagerly read even by the many who wholly dissented from its views. The *Reflections* is, in many respects, Burke's greatest intellectual achievement; its criticisms of the revolutionary programme as that programme was formulated in 1790 were not only sound, but abundantly borne out by the event; but Burke's view of the revolution as a political rather than a social movement, together with his insufficient knowledge of the subject, distorted his estimate of the more general and fundamental issues involved. The work divided public opinion in England, seriously injured the Whigs, and created a strong reaction against revolutionary ideas.

Burke continued to write on French affairs, but although he was still a great figure and a great name, his political

influence had much declined. In 1791, in a dramatic scene, he broke finally with Fox and his party, and stood alone. High ideals, broad views, and generous impulses had given way to invective, personal denunciation, and extravagant declamation. *An Appeal from the New to the Old Whigs* sought to bring back the party to its old position; but the *Letters on a Regicide Peace*, written to urge England to push with energy the war with France begun in 1793, while showing examples of Burke's finest manner, have been justly characterized as "deplorable."[1] But the end was near. The death of his only son, in 1794, was a blow from which Burke never recovered. He survived the loss a little less than three years, dying on the ninth of July, 1797, in his sixty-eighth year.

[1] Morley, *Burke*, p. 199.

BIBLIOGRAPHICAL NOTE

EDITIONS of Burke's writings were published in Boston, in 1839, in 9 volumes; in London, in 1852 and 1898, in 8 and 12 volumes, respectively; and in Bohn's *British Classics*, 1855–64, in 8 volumes. An edition of his *Select Works*, in 3 volumes, edited by E. J. Payne, is published in the *Clarendon Press Series;* this edition has an elaborate introduction and valuable notes. The Speech on Conciliation has been several times published separately during the past ten years in annotated school editions.

The best compact biography of Burke is that by John Morley in the *English Men of Letters* series. The same author's *Edmund Burke: An Historical Study* is of great value. The article "Burke" in the *Dictionary of National Biography*, Vol. VII, by William Hunt, is of the first importance for the details of Burke's life. The earlier biographies by Prior (1854, 2 vols.) and Macknight (1858–60, 3 vols.) are larger and less critical, but have not been superseded.

SPEECH

OF

EDMUND BURKE, ESQ.

ON

Moving his Resolutions

FOR

Conciliation with the Colonies

March 22, 1775

THE SECOND EDITION

LONDON
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SPEECH ON CONCILIATION WITH AMERICA

I HOPE, Sir, that notwithstanding the austerity of the Chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural that those who have an object depending[1] which strongly engages their hopes and fears should be somewhat inclined to superstition. As I came into the House, full of anxiety about the event[2] of my motion, I found, to my infinite surprise, that the grand penal bill by which we had passed sentence on the trade and sustenance of America is to be returned to us from the other House. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are at this very instant nearly as free to choose a plan for our American government as we were on the first day of the session. If, Sir, we

[1] Pending. [2] Result.

incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject, or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us as the most important and most delicate[1] object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British Empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concentre[2] my thoughts, to ballast my conduct, to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe or manly to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in per-

[1] Requiring care or tact. [2] Concentrate.

fect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious[1] adherence to what appears to me truth and reason, it is in your equity[2] to judge.

Sir, Parliament, having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to a censure on the motives of former Parliaments to all those alterations, one fact is undoubted, — that under them the state of America has been kept in continual agitation. Everything administered as remedy to the public complaint,[3] if it did not produce, was at least followed by, an heightening of the distemper; until by a variety of experiments that important country has been brought into her present situation — a situation which I will not miscall, which I dare not name, which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time a worthy member[4] of great parliamentary experience, who in the year 1766 filled the

[1] Conscientious.
[2] Impartiality.
[3] Disease.
[4] Rose Fuller.

Chair of the American Committee with much ability, took me aside and, lamenting the present aspect of our politics, told me things were come to such a pass that our former methods of proceeding in the House would be no longer tolerated; that the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity; that the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent which nothing could satisfy, whilst we accused[1] every measure of vigor as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries; we must produce our hand: it would be expected that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of colony government, and were capable of drawing out something like a platform[2] of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was, indeed, ever better disposed or worse qualified for such an undertaking than myself. Though I gave so far into[3] his opinion that I immediately threw my thoughts into a sort of parliamen-

[1] Arraigned. [2] Plan, outline. [3] Acquiesced in.

tary form, I was by no means equally ready to produce[1] them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably,[2] when the minds of men are not properly disposed for their reception; and for my part, I am not ambitious of ridicule, not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper[3] government, nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more, and that things were hastening towards an incurable alienation of our colonies, I confess my caution gave way. I felt this as one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good must be laid hold on even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts,

[1] Give expression to.

[2] With injury to the reputation of those who make them.

[3] Agreed upon, but not carried into effect; hence, theoretical.

by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure that if my proposition were futile or dangerous, if it were weakly conceived or improperly timed, there was nothing exterior to it, of power to awe, dazzle or delude you. You will see it just as it is, and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord fomented from principle in all parts of the empire; not peace to depend on the juridical[1] determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same

[1] Purely legal.

act and by the bond of the very same interest which reconciles them to British government.

My idea is nothing more. Refined[1] policy ever has been the parent of confusion, and ever will be so as long as the world endures. Plain good intention, which is as easily discovered at the first view as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency[2] of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project which has been lately laid upon your table by the noble lord in the blue ribbon. It does not propose to fill your lobby with squabbling colony agents, who will require the interposition of your mace at every instant to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

The plan which I shall presume to suggest derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting

[1] Elaborate. [2] Desire, in the bad sense.

the resolution moved by the noble lord, has admitted, notwithstanding the menacing front[1] of our address, notwithstanding our heavy bill of pains and penalties, that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone farther: it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have something reprehensible in it, something unwise or something grievous; since, in the midst of our heat and resentment, we of ourselves have proposed a capital[2] alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new, — one that is, indeed, wholly alien from all the ancient methods and forms of Parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavor to show you before I sit down. But, for the present, I take my ground[3] on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material[4] dispute, reconciliation does in a manner always imply concession on the one part or

[1] Appearance.
[2] Of the first importance.
[3] Stand.
[4] Real, as opposed to formal.

on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses forever that time and those chances which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide are these two: first, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible[1] that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us: because after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances, and not according to our own imaginations, not according to abstract ideas of right; by no means according to mere general theories of govern-

[1] Aware.

ment, the resort to which appears to me in our present situation no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color, besides at least 500,000 others who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation, because, Sir, this consideration will make it evident to a blunter

discernment than yours, that no partial, narrow, contracted, pinched, occasional[1] system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *minima*[2] which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependent, who may be neglected with little damage and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce, indeed, has been trod some days ago, and with great ability, by a distinguished person[3] at your bar. This gentleman, after thirty-five years, — it is so long since he first appeared at the same place to plead for the commerce of Great Britain, — has come again before you to plead the same cause, without any other effect of time than that to the fire of imagination and extent of erudition

[1] Special, designed for the occasion.

[2] Trifles.

[3] Richard Glover.

which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view from whence, if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts: one a comparative state[1] of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772; the other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers: the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the Inspector-General's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches: the African, which, terminating almost

[1] Statement.

wholly in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven that the attempt to separate them would tear to pieces the contexture[1] of the whole; and, if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations[2] to be, what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus: —

Exports to North America and the West Indies	£483,265
To Africa	86,665
	£569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows: —

To North America and the West Indies . .	£4,791,734
To Africa	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence	364,000
	£6,022,132

From five hundred and odd thousand it has grown to six millions. It has increased no less than twelvefold. This is the state of the colony trade, as compared with

[1] Construction, arrangement. [2] Classes.

itself at these two periods within this century; and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704:—

The whole export trade of England, including that to the colonies, in 1704	£6,509,000
Export to the colonies alone in 1772 . . .	6,024,000
Difference	£485,000

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended, but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one-twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treat-

ing them must have this proportion as its basis; or it is a reasoning weak, rotten and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quae sit poterit cognoscere virtus.* Suppose, Sir, that the angel of this auspicious[1] youth, foreseeing the many virtues which made him one of the most amiable, as he is one of the most fortunate, men of his age, had opened to him in vision, that when in the fourth generation the third prince of the House of Brunswick had sat twelve years on the throne of that nation which (by the happy issue of moderate and healing counsels) was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one; — if, amidst these bright and

[1] Fortunate.

happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain and unfolded the rising glories of his country, and, whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarcely visible in the mass of the national interest, a small seminal principle rather than a formed body, and should tell him, — "Young man, there is America, which at this day serves for little more than to amuse you with stories of savage men and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth and all the fervid glow of enthusiasm to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect and cloud the setting of his day!

Excuse me, Sir, if, turning from such thoughts, I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for £11,459 in value of your

commodities, native and foreign. This was the whole. What did it demand in 1772? Why, nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular details, because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth, invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in the view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure which deceive[1] the burden of life, how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious[2] subject indeed, — but I must prescribe bounds to myself in a matter so vast and various.

I pass, therefore, to the colonies in another point of view, — their agriculture. This they have prosecuted with such a spirit that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded, they will export much more. At the beginning of the century some of these colonies imported corn from the

[1] Lighten. [2] Interesting.

mother country. For some time past the Old World has been fed from the New. The scarcity which you have felt would have been a desolating famine if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson Bay and Davis Strait, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes and engaged under the frozen Serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of

Africa, others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland nor the activity of France nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hardy[1] industry to the extent to which it has been pushed by this recent people — a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that through a wise and salutary neglect a generous[2] nature has been suffered to take her own way to perfection; — when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted in my detail is admitted in the gross, but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object; it is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions[3] and their

[1] Bold. [2] Active, high-spirited. [3] Temperaments.

habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management than of force, — considering force not as an odious, but a feeble, instrument for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe that the use of force alone is but *temporary*. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource: for conciliation failing, force remains; but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness, but they can never be begged as arms by an impoverished and defeated violence.

A further objection to force is that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover, but depreciated, sunk, wasted and consumed in the contest. Nothing less will content me than *whole America*. I do not choose to consume its strength along with our own;

because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict, and still less in the midst of it. I may escape, but I can make no insurance against such an event. Let me add that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility have been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so; but we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it, and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce: I mean its *temper and character.*

In this character of the Americans a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive and untractable, whenever they see the least attempt to wrest from them

by force or shuffle from them by chicane what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth; and this from a great variety of powerful causes, which, to understand the true temper of their minds and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation which still, I hope, respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exer-

cised, the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English Constitution to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called a House of Commons. They went much farther: they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of the House of Commons as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe or might be endangered in twenty other particulars without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy, indeed, to make a monopoly of theorems and corollaries. The fact is that they did thus apply those general arguments; and your mode of governing them, whether

through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in an high degree: some are merely popular; in all the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants, and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them, and received great favor and every kind of support from authority. The Church of England too was formed from her cradle

under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance: it is the dissidence of dissent and the Protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces, where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing[1] most probably the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners which has been constantly flowing into these colonies has, for the greatest part, been composed of dissenters from the establishments[2] of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner that some gentlemen object to the latitude[3] of this description, because in the southern colonies the Church of England forms a large body and has a regular establishment. It is

[1] Comprising. [2] State churches. [3] Scope.

certainly true. There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference and makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly and with a higher and more stubborn spirit attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit: I mean

their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read (and most do read) endeavor to obtain some smattering in that science. I have been told by an eminent bookseller that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's *Commentaries* in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people in his government are lawyers or smatterers in law, and that in Boston they have been enabled by successful chicane wholly to evade many parts of one of your capital penal constitutions.[1] The smartness of debate will say that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience and the penalties of rebellion. All this is mighty well. But my honorable and learned friend on the floor,[2] who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honors and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and

[1] Enactments. [2] The Attorney-General.

broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries the people, more simple and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll and months pass between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that you should fret and rage, and bite the chains of Nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it.

The Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his centre is derived from a prudent relaxation in all his borders. Spain in her provinces is perhaps not so well obeyed as you are in yours. She complies, too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources: of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, of the remoteness of situation from the first mover of government, — from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth: a spirit that, unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired more reconcilable with an arbitrary and boundless authority. Perhaps we might

wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us, as their guardians during a perpetual minority, than with any part of it in their own hands. The question is not whether their spirit deserves praise or blame, but what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the crown. We thought, Sir, that the utmost which the discontented colonists could do was to disturb authority; we never dreamt they could of themselves supply it, knowing in

general what an operose business it is to establish a government absolutely new. But having for our purposes in this contention resolved that none but an obedient assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution or the troublesome formality of an election. Evident necessity and tacit consent have done the business in an instant. So well they have done it that Lord Dunmore (the account is among the fragments on your table) tells you that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called: not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing, by the denial of

the exercise of government, to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect, of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles formerly believed infallible are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments which tend to put to the proof any more of these allowed opinions which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties and this concussion[1] of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that Americans ought not to be free, we are

[1] Shaking.

obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies and disturbs your government. These are: to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit, as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of

them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population in the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses by men of weight, and received not without applause, that in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands as to afford room for an immense future population, although[1] the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian Mountains. From thence they behold before them an

[1] Even though.

immense plain, one vast, rich, level meadow, a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars, and pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and in no long time must, be the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavor to keep as a lair of wild beasts that earth which God, by an express charter, has given to the children of men. Far different and surely much wiser has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could, and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind, — a disposition even to continue the restraint after the offence, looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient. It is, in truth, nothing more than the old and, as I thought, exploded [1] problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that Nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art.

[1] Discredited.

We cannot, I fear, falsify the pedigree of this fierce people and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent, or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World, and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom[1] with their religion. You cannot persuade them to burn their books of curious[2] science, to banish their lawyers from their courts of laws, or to quench the lights of their assemblies by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable[3] to us; not quite so effectual; and perhaps in the end full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it by declaring a general enfranchisement of

[1] Foundation. [2] Mysterious, occult. [3] Costly.

their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free as it is to compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too, and arm servile hands in defence of freedom? — a measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as

long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.

> Ye gods, annihilate but space and time,
> And make two lovers happy!

was a pious and passionate prayer, but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If then, Sir, it seems almost desperate to think of any alterative course for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority, but that the spirit infallibly will continue; and continuing, will produce such effects as now embarrass us, — the second mode under consideration is to prosecute that spirit in its overt acts as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and

ridicule the feelings of millions of my fellow-creatures, as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar. I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that for wise men this is not judicious; for sober men, not decent; for minds tinctured[1] with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire as distinguished from a single state or kingdom. But my idea of it is this: that an empire is the aggregate of many states under one common head, whether this head be a monarch or a presiding republic. It does in such constitutions frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice.[2] Of course disputes — often, too, very bitter disputes — and much ill blood will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power; for to talk of the privileges of a state or of a person who has no superior is hardly any better than speaking nonsense. Now in such unfortunate quarrels among the component parts of a great political

[1] Imbued. [2] Fine, difficult to see.

union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist that, if any privilege is pleaded against his will or his acts, [that] his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinction on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect that, in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power. Sir, let me add, too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence, unless I could be sure that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs and

the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced that I see the same party at once a civil litigant against me in point of right and a culprit before me, while I sit as a criminal judge on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed[1] to have traitors brought hither, under an act of Henry the Eighth, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

[1] Petitioned.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less. When I see things in this situation, after such confident hopes, bold promises and active exertions, I cannot for my life avoid a suspicion that the plan itself is not correctly [1] right.

If, then, the removal of the causes of this spirit of American liberty be for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or, if applicable, are in the highest degree inexpedient; what way yet remains? No way is open but the third and last, — to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

If we adopt this mode, if we mean to conciliate and concede, let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in a Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with

[1] Exactly.

regard to this complaint. If you mean to please any people, you must give them the boon which they ask, — not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle,[1] but it is true; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a man's money be a power excepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of Nature; or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other, where reason is perplexed, and an appeal to authorities only thickens the confusion: for high and reverend authorities lift up their heads on both sides, and there is no sure footing in the middle. This point is the great

[1] Are startled.

> Serbonian bog,
> Betwixt Damiata and Mount Casius old,
> Where armies whole have sunk.

I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason and justice tell me I *ought* to do. Is a politic act the worse for being a generous one? Is no concession proper but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles and your magazines stuffed with arms to enforce them? What signify all those titles and all those arms? Of what avail are they, when the reason of the thing tells me that the assertion of my title is the loss of my suit, and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that if I were sure the colonists had at their leaving this country sealed a regular compact of servitude, that they had solemnly abjured all the rights of citizens, that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found univer-

sally prevalent in my own day, and to govern two million of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right or grant as matter of favor, is *to admit the people of our colonies into an interest in the Constitution;* and by recording that admission in the journals of Parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean forever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to show that we intended an unconditional abatement[1] of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion and to give perfect content. But unfortunate events since that time may make something further necessary; and not more necessary for the satisfaction of the colonies than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute;

[1] Suspension.

we are too exquisite[1] in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess that they hope no good from taxation ; but they apprehend the colonists have further views, and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced that this was the intention from the beginning, and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language, even of a gentleman[2] of real moderation and of a natural temper well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse whenever I hear it ; and I am the more surprised on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord in the blue ribbon[3] shall tell you that the restraints on trade are futile and useless, of no advantage to us, and of no burden to those on whom they are imposed ; that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture

[1] Careful, detailed. [2] George Rice.

[3] Lord North.

of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies;—when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, Sir, the sleeping trade laws revive from their trance, and this useless taxation is to be kept sacred, not for its own sake, but as a counterguard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value; and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws; for without idolizing them, I am sure they are still in many ways of great use to us, and in former times they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or that the giving way in any one instance of authority is to lose all that may remain unconceded.

One fact is clear and indisputable: the public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter and the fewest of all on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible with decency to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. Surely it is preposterous at the very best. It is not justifying your anger by their misconduct, but it is converting your ill-will into their delinquency.

But the colonies will go further. Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist in which it is proper for the sovereign

to accede to the desires of his discontented subjects? Is there anything peculiar in this case to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain[1] maxim that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations,[2] formed in defiance of fact and experience, they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural and the most reasonable, and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities, a total renunciation of every speculation of my own, and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution and so flourishing an empire, and, what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them;

[1] Sound. [2] Surmises.

and the issue of their affairs showed that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle (it was with all due humility and piety), I found four capital examples in a similar case before me: those of Ireland, Wales, Chester and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no Parliament. How far the English Parliament itself was at that time modelled according to the present form is disputed among antiquarians. But we have all the reason in the world to be assured that a form of Parliament such as England then enjoyed she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil, and grew and flourished there. Magna Charta, if it did not give us originally a House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberties had exactly the same boundaries.

Your standard could never be advanced an inch before your privileges. Sir John Davies shows beyond a doubt that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing[1]; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility[2] and allegiance, but your laws and your forms of legislature. It was not English arms, but the English Constitution, that conquered Ireland. From that time Ireland has ever had a general Parliament, as she had before a partial Parliament. You changed the people, you altered the religion, but you never touched the form or the vital substance of free government in that kingdom. You deposed kings; you restored them; you altered the succession to theirs as well as to your own crown; but you never altered their constitution, the principle of which was respected by usurpation, restored with the restoration of monarchy, and established, I trust, forever by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is: and from a disgrace and a burden intolerable to this nation, has rendered her a principal part of her strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles and on the hinge[3] of great revolutions, even if all were done that

[1] Being subdued. [2] Civilization. [3] Eve.

is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them at such times were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the Constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come, and learn to respect that only source of public wealth in the British Empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract[1] was put into the hands of Lords Marchers, — a form of government of a very singular kind, a strange, heterogeneous monster, something between hostility and government: perhaps it has a sort of resemblance, according to the modes[2] of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius

[1] Region. [2] Usages.

of the government: the people were ferocious, restive, savage, and uncultivated, sometimes composed,[1] never pacified. Wales, within itself, was in perpetual disorder, and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute-book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands — A fine body of precedents for the authority of Parliament and the use of it! — I admit it fully; and pray add likewise to these precedents,

[1] Quieted.

that all the while Wales rid this kingdom like an *incubus;* that it was an unprofitable and oppressive burden; and that an Englishman travelling in that country could not go six yards from the high-road without being murdered. The march of the human mind is slow. Sir, it was not until after two hundred years discovered that by an eternal law Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill-husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured, and that laws made against an whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry the Eighth, the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, — the grant of their own property, — seemed a thing so incongruous that eight years after, — that is, in the thirty-fifth of that reign, — a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by act of Parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order and civilization followed in the train of liberty. When the day-star of the

English Constitution had arisen in their hearts, all was harmony within and without: —

— Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor;
Concidunt venti, fugiuntque nubes,
Et minax (quod sic voluere) ponto
Unda recumbit.

The very same year the County Palatine of Chester received the same relief from its oppressions and the same remedy to its disorders. Before this time Chester was little less distempered[1] than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard the Second drew the standing army of archers with which for a time he oppressed England. The people of Chester applied to Parliament in a petition penned as I shall read to you: —

To the King our Sovereign Lord, in most humble wise shewen[2] unto your most excellent Majesty the inhabitants of your Grace's County Palatine of Chester: (1) That where[3] the said County Palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of Parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons,[4] losses and damages, as well in their lands, goods and bodies, as in the good, civil and politic governance and maintenance of the commonwealth of their said country. (2) And forasmuch

[1] Disordered.
[2] Show. The form is obsolete.
[3] Whereas.
[4] Deprivations.

as the said inhabitants have always hitherto been bound by the acts and statues made and ordained by your said Highness and your most noble progenitors, by authority of the said court, as far forth as other counties, cities and boroughs have been, that have had their knights and burgesses within your said court of Parliament, and yet have had neither knight ne[1] burgess there for the said County Palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties and privileges of your said County Palatine, as prejudicial unto the commonwealth, quietness, rest and peace of your Grace's most bounden subjects inhabiting within the same.

What did Parliament with this audacious address? Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament,[2] unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress, and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure for anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles the Second with regard to the County Palatine of Durham, which is

[1] Nor. [2] Modification.

my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with[1] that of the Chester act; and without affecting the abstract extent of the authority of Parliament, it recognizes the equity of not suffering any considerable district in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles and the force of these examples in the acts of Parliaments avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry the Eighth says the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000, — not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham? But America is virtually[2] represented. What! does the electric force

[1] As.

[2] Essentially, though not actually.

of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood? or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater and infinitely more remote?

You will now, Sir, perhaps imagine that I am on the point of proposing to you a scheme for a representation of the colonies in Parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura* — I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation: but I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened, and there are often several means to the same end. What Nature has disjoined in one way Wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and

means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the *Republic* of Plato, not to the *Utopia* of More, not to the *Oceana* of Harrington. It is before me; it is at my feet, —

> And the rude swain
> Treads daily on it with his clouted shoon.

I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in acts of Parliament; and as to the practice, to return to that mode which a uniform experience has marked out to you as best, and in which you walked with security, advantage and honor until the year 1763.

My resolutions, therefore, mean to establish the equity and justice of a taxation of America by *grant*, and not by *imposition;* to mark the *legal competency* of the colony assemblies for the support of their government in peace and for public aids in time of war; to acknowledge that this legal competency has had *a dutiful and beneficial exercise*, and that experience has shown the *benefit of their grants* and the *futility of parliamentary taxation as a method of supply*.

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far

from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence that, if you admitted these, you would command an immediate peace, and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution, —

That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.

This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of Parliament.

The second is like unto the first, —

That the said colonies and plantations have been liable to, and bounden[1] by, several subsidies, payments, rates and taxes, given

[1] Bound.

and granted by Parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest and peace of the subjects inhabiting within the same.

Is this description too hot or too cold, too strong or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of Parliament: —

> Non meus hic sermo, sed quae praecepit Ofellaeus,
> Rusticus, abnormis sapiens.

It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country, — I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys, the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering, — the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form

of sound words, to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case, although Parliament thought them true with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offence on the part of those who enjoyed such favors, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all either wholly repealed or exceedingly reduced? Were they not touched and grieved even by the regulating duties of the sixth of George the Second? Else why were the duties first reduced to one-third in 1764, and afterwards

to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue ribbon, now standing on your journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances and resolutions?

The next proposition is, —

That, from the distance of the said colonies and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said colonies.

This is an assertion of a fact. I go no further on the paper, though in my private judgment a useful representation is impossible. I am sure it is not desired by them; nor ought it, perhaps, by us: but I abstain from opinions.

The fourth resolution is, —

That each of the said colonies hath within itself a body, chosen in part or in the whole by the freemen, freeholders or other free inhabitants thereof, commonly called the general assembly, or gen-

eral court, with powers legally to raise, levy and assess, according to the several usages of such colonies, duties and taxes towards defraying[1] all sorts of public services.

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style[2] of granting is, "An aid to his Majesty"; and acts granting to the crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British Parliament can grant to the crown, are wished[3] to look to what is done, not only in the colonies, but in Ireland, in one uniform, unbroken tenor every session. Sir, I am surprised that this doctrine should come from some of the law servants of the crown. I say that if the crown could be responsible, his Majesty — but certainly the ministers, and even these law officers themselves through whose hands the acts pass, biennially in Ireland or annually in the colonies, are in an habitual course of committing impeachable offences. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attorneys and all solicitors-general! However, they are safe, as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

[1] Supply "the cost of."

[2] Language.

[3] Desired.

The fifth resolution is also a resolution of fact, —

That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same and their cheerfulness and sufficiency in the said grants have been at sundry times acknowledged by Parliament.

To say nothing of their great expenses in the Indian wars, and not to take their exertion in foreign ones so high[1] as the supplies in the year 1695, not to go back to their public contributions in the year 1710, I shall begin to travel only where the journals give me light, — resolving to deal in nothing but fact authenticated by parliamentary record, and to build myself wholly on that solid basis.

On the 4th of April, 1748,[2] a committee of this House came to the following resolution: —

Resolved, That it is the opinion of this committee *that it is just and reasonable* that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain the island of Cape Breton and its dependencies.

These expenses were immense for such colonies. They were above £200,000 sterling: money first raised and advanced on their public credit.

On the 28th of January, 1756,[3] a message from the king came to us to this effect: —

[1] So far back. [2] Journals of the House, Vol. XXV.
[3] Journals of the House, Vol. XXVII.

His Majesty, being sensible of the zeal and vigor with which his faithful subjects of certain colonies in North America have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a *proper reward and encouragement.*

On the 3d of February, 1756,[1] the House came to a suitable resolution, expressed in words nearly the same as those of the message, but with the further addition that the money then voted was as an *encouragement* to the colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions. I will only refer you to the places in the journals: —

Vol. XXVII. — 16th and 19th May, 1757.

Vol. XXVIII. — June 1st, 1758; April 26th and 30th, 1759; March 26th and 31st, and April 28th, 1760; Jan. 9th and 20th, 1761.

Vol. XXIX. — Jan. 22d and 26th, 1762; March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of Parliament that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things: first, that the colonies had gone beyond their abilities, Parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are

[1] Journals of the House, Vol. XXVII.

unlawful; and encouragement is not held out to things that deserve reprehension. My resolution therefore does nothing more than collect into one proposition what is scattered through your journals. I give you nothing but your own; and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you, will indeed be mortal[1] to all the miserable stories by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, — that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing stand when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this House that the colonies were then in debt two million six hundred thousand pounds sterling money, and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine; the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too

[1] Fatal.

great to bear any addition with prudence or propriety; and when the burdens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No colony since that time ever has had any requisition whatsoever made to[1] it.

We see the sense[2] of the crown and the sense of Parliament on the productive nature of a *revenue by grant.* Now search the same journals for the produce of the *revenue by imposition.* Where is it? Let us know the volume and the page. What is the gross, what is the net produce? To what service is it applied? How have you appropriated its surplus? What, can none of the many skilful index-makers that we are now employing find any trace of it? Well, let them and that rest together. But are the journals, which say nothing of the revenue, as silent on the discontent? Oh, no! a child may find it. It is the melancholy burden and blot of every page.

I think, then, I am, from those journals, justified in the sixth and last resolution, which is, —

> That it hath been found by experience that the manner of granting the said supplies and aids by the said general assemblies hath been more agreeable to the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in Parliament, to be raised and paid in the said colonies.

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say

[1] Upon.

[2] Opinion.

that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing colony taxes, from the want of another legal body that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified and having that competence had neglected the duty.

The question now, on all this accumulated matter, is, — whether you will choose to abide by a profitable experience or a mischievous theory; whether you choose to build on imagination or fact; whether you prefer enjoyment or hope; satisfaction in your subjects or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system must, I take it for granted, fall along with it. On that ground I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner: —

That it may be proper to repeal an act made in the seventh year of the reign of his present Majesty, entitled, "An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoanuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running[1] of goods in the said colonies and plantations." — And that it may be proper to repeal an act made in the fourteenth year of the reign of his pres-

[1] Smuggling.

ent Majesty, entitled, "An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America." — And that it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England." — And that it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act for the better regulating the government of the province of the Massachusetts Bay, in New England." — And also, that it may be proper to explain and amend an act made in the thirty-fifth year of the reign of King Henry the Eighth, entitled, "An act for the trial of treasons committed out of the king's dominions."

I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure) it was passed, as I apprehend, with less regularity and on more partial principles than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the Restraining Bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence which induced you not to extend equal punishment to equal guilt, even when you were punishing, induced me, who mean not to chastise but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence and accommodation to circumstances prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Colony, though the crown has far less power in the two former provinces than it enjoyed in the latter, and though the abuses have been full as great and as flagrant in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, Sir, the act which changes the charter of Massachusetts is in many particulars so exceptionable that, if I did not wish absolutely to repeal, I would by all means desire to alter it, as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure, and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial is but temporary. That act has calculated the probable duration of our quarrel with the colonies, and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry the Eighth for the trial of treasons I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for

trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature; for which purpose, Sir, I propose the following resolution: —

That from the time when the general assembly, or general court, of any colony or plantation in North America shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behavior, and shall not be removed therefrom but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor or council or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said offices.

The next resolution relates to the courts of admiralty. It is this: —

That it may be proper to regulate the courts of admiralty or vice-admiralty authorized by the fifteenth chapter of the fourth of George the Third, in such a manner as to make the same more commodious to those who sue or who are sued in the said courts; and to provide for the more decent maintenance of the judges in the same.

These courts I do not wish to take away: they are in themselves proper establishments. This court is one of

the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is indeed on many accounts more eligible,[1] where new powers were wanted, than a court absolutely new. But courts incommodiously situated in effect deny justice; and a court partaking in the fruits of its own condemnation is a robber. The Congress complain, and complain justly, of this grievance.

These are the three consequential propositions. I have thought of two or three more; but they come rather too near detail and to the province of executive government, which I wish Parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building than very materially detrimental to its strength and stability.

Here, Sir, I should close; but I plainly perceive some objections remain which I ought, if possible, to remove. The first will be that, in resorting to the doctrine of our ancestors as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation, stated in that preamble, goes to the whole of legislation as well as to taxation; and that the colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and

[1] Suitable.

humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer that *the words are the words of Parliament, and not mine;* and that all false and inconclusive inferences drawn from them are not mine, for I heartily disclaim any such inference. I have chosen the words of an act of Parliament which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of Parliament, formerly moved to have read at your table in confirmation of his tenets. It is true that Lord Chatham considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume that these preambles are as favorable as possible to both, when properly understood, — favorable both to the rights of Parliament and to the privilege of the dependencies of this crown? But, Sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham Act, which confines the hardship of want of representation to the case of subsidies, and which therefore falls in[1] exactly with the case of the colonies. But whether the unrepresented counties were *de jure* or *de facto* bound, the preambles do not accurately distinguish; nor indeed was it necessary; for whether *de jure* or *de facto*, the legislature thought the exercise of the power of taxing, as of right or as of fact without right, equally a grievance and equally oppressive.

I do not know that the colonies have, in any general

[1] Agrees.

way or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or disposition of any man or any set of men, when they are composed and at rest, from their conduct or their expressions in a state of disturbance and irritation. It is, besides, a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our Constitution, or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty to enjoy civil advantages, so we must sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire. But in all fair dealings the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear to pay for it all essential rights and all the intrinsic dignity

of human nature. None of us who would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our Constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country and risking everything that is dear to him. In every arduous enterprise we consider what we are to lose as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man*. Man acts from adequate motives relative to his interest, and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature, when they see them the acts of that power which is itself the security, not the rival, of their secondary importance. In this assurance my mind most perfectly acquiesces; and I confess I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire from giving, by an act of free grace and indul-

gence, to two millions of my fellow-citizens, some share of those rights upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire, which was preserved entire, although Wales and Chester and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head, but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature, which, far from distracting, promoted the union of the whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire than I can draw from its example during these periods when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the

noble lord[1] on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction, because it is a mere project.[2] It is a thing new, unheard of, supported by no experience, justified by no analogy, without example of our ancestors or root in the Constitution. It is neither regular parliamentary taxation nor colony grant. *Experimentum in corpore vili* is a good rule which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, — the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our Constitution. For what is it but a scheme for taxing the colonies in the antechamber of the noble lord and his successors? To settle the quotas and proportions in this House is clearly impossible. You, Sir, may flatter yourself you shall sit a state auctioneer with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four

[1] Lord North. [2] A bare proposition and nothing more.

or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burden, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the Constitution. Each quota must be brought to this House ready formed. You can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of Parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain that they are taxed without their consent; you answer that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them, indeed, that you will leave the mode to themselves. I really beg pardon; it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For suppose the colonies were to lay the duties which furnished their contingent upon the importation of your manufactures, you know you would never suffer such a tax to be laid. You know, too, that you would not suffer any other modes of taxation. So that when you come to explain yourself, it will be found

that you will neither leave to themselves the quantum nor the mode; nor indeed anything. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion, consider, I implore you, that the communication by special messages and orders between these agents and their constituents on each variation of the case, when the parties come to contend together and to dispute on their relative proportions, will be a matter of delay, perplexity and confusion that never can have an end.

If all the colonies do not appear at the outcry,[1] what is the condition of those assemblies who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies who refuse all composition[2] will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburdened. What will you do? Will you lay new and heavier taxes by Parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced that in the way of taxing you can do nothing but at the

[1] Public sale at auction.

[2] Settlement or adjustment.

ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota: how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound to your English revenue at home and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious colony, what do you tax but your own manufactures or the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail which bewilders you more and more as you enter into it? Who has presented, who can present you with a clue to lead you out of it? I think, Sir, it is impossible that you should not recollect that the colony bounds[1] are so implicated in one another (you know it by your other experiments in the bill for prohibiting the New England fishery) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burden those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered that either in the present confusion you settle a permanent contingent,[2] which will and must be trifling, and then you have no effectual revenue;

[1] Boundaries. [2] Quota.

or you change the quota at every exigency, and then on every new repartition you will have a new quarrel.

Reflect besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a treasury extent[1] against the failing colony. You must make new Boston Port Bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire and the army of the empire is the worst revenue and the worst army in the world.

Instead of standing[2] revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies than for establishing a revenue. He confessed he apprehended that his proposal would not be to *their taste*. I say this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he

[1] A writ for valuing land to be taken in satisfaction of a debt due to the Crown.

[2] Permanent.

never intended to realize. But whatever his views may be, as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple; the other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people, — gratuitous, unconditional, and not held out as a matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburdened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

"But what," says the financier, "is peace to us with-

out money? Your plan gives us no revenue." No! But it does; for it secures to the subject the power of REFUSAL, the first of all revenues. Experience is a cheat and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750 11*s*. 2¾ths, nor any other paltry limited sum; but it gives the strong-box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom. *Posita luditur arca.* Cannot you in England, cannot you at this time of day, cannot you, an House of Commons, trust to the principle which has raised so mighty a revenue and accumulated a debt of near 140 millions in this country? Is this principle to be true in England and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume that in any country a body duly constituted for any function will neglect to perform its duty and abdicate its trust? Such a presumption would go against all governments in all modes. But in truth this dread of penury of supply from a free assembly has no foundation in nature. For first observe, that besides the desire which all men have naturally of supporting the honor of their own government, that sense of dignity and that security to property which ever attends freedom has a tendency to increase the stock[1] of the free community.

[1] Accumulated capital.

Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue than could be squeezed from the dry husks of oppressed indigence by the straining of all the politic[1] machinery in the world?

Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted than that government will not be supplied. Whereas, whatever is got by acts of absolute power, ill obeyed because odious, or by contracts ill kept because constrained, will be narrow, feeble, uncertain and precarious.

> Ease would retract
> Vows made in pain, as violent and void.

I, for one, protest against compounding our demands. I declare against compounding for a poor limited sum the immense, ever-growing, eternal debt which is due to generous government from protected freedom. And so

[1] Political.

may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom or in the way of compulsory compact.

But to clear up my ideas on this subject: a revenue from America transmitted hither, — do not delude yourselves; you never can receive it, — no, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America? For certainly, if ever there was a country qualified to produce wealth, it is India; or an institution for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your duties here, and gives you at the same time a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, — I doubt not she will, — contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.[1]

[1] Indispensably.

For that service, for all service, whether of revenue, trade or empire, my trust is in her interest in the British Constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government, — they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing and their privileges another; that these two things may exist without any mutual relation, the cement is gone, the cohesion is loosened and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain; they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price[1] of which you have the monopoly. This is the

[1] The priceless commodity.

true Act of Navigation which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made and must still preserve the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office and your instructions and your suspending clauses are the things that hold together the great contexture of the mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the Land Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience

without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane[1] herd of those vulgar[2] and mechanical politicians who have no place among us, — a sort of people who think that nothing exists but what is gross and material; and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned have no substantial existence, are in truth everything and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our station, and glow with zeal to fill our places as becomes our situation and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order[3] of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive, and the only honorable conquests, not by destroying, but by promoting the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English

[1] Corrupt. [2] Commonplace. [3] Plan.

privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (*quod felix faustumque sit!*) lay the first stone of the Temple of Peace; and I move you, —

That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.

Upon this resolution the previous question was put and carried: for the previous question, 270; against it, 78.

As the propositions were opened[2] separately in the body of the speech, the reader perhaps may wish to see the whole of them together in the form in which they were moved for. The first four motions and the last had the previous question put on them. The others were negatived. The words in italics were, by an amendment that was carried, left out of the motion; which will appear in the journals, though it is not the practice to insert such amendments in the votes.

Moved,

That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had

[1] Presented.

the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of Parliament.

That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates and taxes, given and granted by Parliament, though the said colonies and plantations have not their knights and burgesses in the said high court of Parliament, of their own election, to represent the condition of their country; *by lack whereof they have been oftentimes touched and grieved by subsidies given, granted and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest and peace of the subjects inhabiting within the same.*

That, from the distance of the said colonies and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said colonies.

That each of the said colonies hath within itself a body, chosen in part or in the whole by the freemen, freeholders or other free inhabitants thereof, commonly called the general assembly, or general court, with powers legally to raise, levy and assess, according to the several usages of such colonies, duties and taxes towards defraying all sorts of public services.

That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same and their cheerfulness and sufficiency in the said grants have been at sundry times acknowledged by Parliament.

That it hath been found by experience that the manner of granting the said supplies and aids by the said general assemblies hath been more agreeable to the said colonies, and more beneficial and

conducive to the public service, than the mode of giving and granting aids in Parliament, to be raised and paid in the said colonies.

That it may be proper to repeal an act made in the seventh year of the reign of his present Majesty, entitled, "An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoanuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations."

That it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America."

That it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England."

That it may be proper to repeal an act made in the fourteenth year of the reign of his present Majesty, entitled, "An act for the better regulating the government of the province of the Massachusetts Bay, in New England."

That it may be proper to explain and amend an act made in the thirty-fifth year of the reign of King Henry the Eighth, entitled, "An act for the trial of treasons committed out of the king's dominions."

That from the time when the general assembly, or general court, of any colony or plantation in North America shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justice and other judges of the superior court, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behaviour, and shall not be removed therefrom but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor or council or the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said offices.

That it may be proper to regulate the courts of admiralty or vice-admiralty authorized by the fifteenth chapter of the fourth of George the Third, in such a manner as to make the same more commodious to those who sue or are sued in the said courts; *and to provide for the more decent maintenance of the judges in the same.*

NOTES

The heavy marginal figures stand for page, and the lighter ones for line.

37 : 1. **I hope, Sir,** etc. Speeches in the House of Commons are addressed to the Speaker, who is often referred to as the Chair. The Speaker at this time was Sir Fletcher Norton (1716–1789), "a shrewd, unprincipled man, of good abilities and offensive manners," who held the office from 1770 to 1780.

37 : 7. **My motion.** The motion which he was to offer at the conclusion of his speech.

37 : 8. **Grand penal bill.** The bill introduced by Lord North, February 10, 1775.

37 : 10. **Returned to us from the other House.** The bill had passed the Commons March 8, and been sent to the Lords. The Lords had added an amendment extending the provisions of the bill to New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina. The bill came back to the Commons for approval in its amended form.

37 : 13. **Once more in possession of our deliberative capacity.** Once more in a position to discuss the bill. While the bill was before the Lords it could not with propriety be discussed by the Commons.

37 : 19. **First day of the session.** The session began November 29, 1774.

38 : 3. **Incongruous mixture of coercion and restraint.** The bill aimed to break down the resistance to the tea duty at the same time that it restrained the colonial trade. The union of the two objects hardly seems incongruous.

38 : 9. **When I first,** etc. See Introduction, page 24.

38 : 14. **A very high trust.** Referring to the idea, often emphasized by Burke, that the powers of government are held by rulers in trust for the people.

38 : 17. **More than common pains to instruct myself.** Burke was probably better informed than any Englishman of his time in regard to America. He was the author in part of the *Account of the European Settlements in America*, written in 1757, and since 1759 had written much about America for the *Annual Register*.

38 : 24. **Blown about by every wind of fashionable doctrine.** Compare *Ephesians* iv. 14.

38 : 28. **At that period.** In 1766, when the Stamp Act was repealed. On Burke's position see Introduction, page 24.

39 : 1. **Large majority.** The vote on the repeal was 275 to 161.

39 : 10. **This interval.** The period since 1766.

39 : 10. **More frequent changes.** See Introduction, pages 15–17. The passage and repeal of the Townshend Revenue Act was the most important of these changes.

39 : 26. **A worthy member.** Rose Fuller. Burke's *Speech on American Taxation* was made on a motion brought forward by Fuller to repeal the tea duty.

39 : 27. **Filled the Chair of the American Committee.** Presided when the House of Commons sat as a Committee of the Whole on American affairs.

40 : 3. **Our former methods.** The methods of the minority, to which Fuller and Burke belonged.

40 : 5. **Public tribunal.** Public opinion.

40 : 22. **My honorable friend.** Members of the Commons are referred to in debate as "the honorable member," "my honorable friend," etc., and not by name.

41 : 4. **Except from a seat of authority.** Important bills are usually brought forward by members of the ministry, not by private members.

41 : 11. **Paper government.** Burke probably refers, not to any particular plan, but generally to schemes of government which are not or can not be carried into execution.

41 : 15. **An incurable alienation of our colonies.** The idea of separation was not general at this time, though the possibility of it had been clearly foreseen.

42 : 4. **What you are,** etc. Burke is here addressing the House, not the Speaker.

42 : 17. **Discord fomented from principle.** Lord North retained the tea duty as an assertion of the right of Parliament to tax the colonies ; the colonies resisted the tax on the ground that, as Englishmen, they could lawfully be taxed only by their own representatives. Each party, therefore, stood upon a principle.

42 : 25. **Unsuspecting confidence.** In an address to the inhabitants of the colonies represented in the First Continental Congress, agreed to by the Congress, October 21, 1774, it is said: "After the repeal of the Stamp Act, having again resigned ourselves to our ancient unsuspicious affections for the parent state, and anxious to avoid any controversy with her, in hopes of a favorable alteration in sentiments and measures towards us, we did not press our objections against the above-mentioned statutes made subsequent to that repeal" (*Journals of Congress*, i. 47, 48).

43 : 14. **Splendor of the project.** February 27, 1775, Lord North had unexpectedly laid before the House, in Committee of the Whole, the following resolution : "That it is the opinion of this Committee, that when the Governour, Council, and Assembly, or General Court, of any of his Majesty's Provinces or Colonies in America, shall propose to make provision, according to the condition, circumstances, and situation of such Province or Colony, for contributing their proportion to the common defence, (such proportion to be raised under the authority of the General Court, or General Assembly, of such Province or Colony, and disposable by Parliament,) and shall engage to make provision also for the support of the Civil Government, and the Administration of Justice, in

such Province or Colony, it will be proper, if such proposal shall be approved by his Majesty and the two Houses of Parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such Province or Colony, to levy any Duty, Tax, or Assessment, or to impose any farther Duty, Tax, or Assessment, except only such Duties as it may be expedient to continue to levy or to impose for the regulation of commerce; the nett produce of the Duties last mentioned to be carried to the account of such Province or Colony respectively" (Force, *American Archives*, 4th series, i. 1598). The resolution, though unsatisfactory to the friends of the ministry, was agreed to by the House; July 31, however, the proposition it contained was rejected by the Continental Congress. For the report on it see MacDonald, *Select Charters*, 385–389.

43 : 15. **The noble lord in the blue ribbon.** Lord North (1732–1792), prime minister from 1770 to 1782. The eldest son of a peer enjoys, during the lifetime of his father, the courtesy title of *Lord*, and may sit in the House of Commons. The blue ribbon was the badge of a Knight of the Garter, of which order Lord North was a member.

43 : 17. **Colony agents.** Each colony maintained an agent in London to look after its interests. The best-known of the colonial agents was Franklin, who at the time represented Massachusetts, Pennsylvania, Maryland, and Georgia. Burke was for a time agent for New York.

43 : 18. **Mace.** The symbol of authority borne by the sergeant-at-arms.

43 : 20. **Auction of finance.** Referring to the silence of Lord North's resolution regarding the amount which each colony should pay.

44 : 2. **Menacing front of our address.** On the 7th of February the two houses of Parliament had voted an address to the king, calling attention to the rebellious conduct of Massachusetts, declaring that no part of the sovereign authority over the colonies ought to

be relinquished, promising that "whenever any of the colonies shall make a proper application to us, we shall be ready to afford them every just and reasonable indulgence," and pledging support to the king, "at the hazard of our lives and properties," in measures to put down the rebellion. Eighteen members of the Lords protested, declaring the address a virtual declaration of war. See the *Parliamentary History*, xviii. 265–298.

46 : 10. **Two millions of inhabitants.** Bancroft (*History of the United States*, iv. 128) gives the following table of estimates, showing the rapid increase as well as the number of the population : —

	WHITE	BLACK	TOTAL
1750	1,040,000	220,000	1,260,000
1754	1,165,000	260,000	1,425,000
1760	1,385,000	310,000	1,695,000
1770	1,850,000	462,000	2,312,000
1780	2,383,000	562,000	2,945,000

It is to be remembered that all the figures for the population of America prior to the first census of the United States, in 1790, rest upon estimates only.

46 : 12. **500,000 others.** Negro slaves.

46 : 18. **Strength with which population shoots.** The rapidity with which population grows. Franklin and others had already called attention to the rapid increase of numbers in the English colonies.

47 : 1. **No partial . . . system.** Such as Parliament has hitherto followed.

47 : 4. **One of those minima.** An allusion to the legal maxim, *De minimis non curat lex*, the law takes no account of trifles.

47 : 20. **This ground . . . has been trod.** This part of the subject has been considered.

47 : 22. **A distinguished person.** Richard Glover (1712–1785), then widely popular as a poet. He had appeared before the House, March 16, on behalf of the West India planters, who petitioned Parliament for relief from the injury threatened by the non-importation agreement, known as the "Association," adopted by the American Congress the previous October. For the text of the Association see MacDonald, *Select Charters*, pp. 362–367.

47 : 22. **At your bar.** The entrance to the Commons chamber is closed by a rod, beyond which only members and officers of the House may go. Persons, not members, who are examined or heard by the House stand at the bar.

47 : 23. **Thirty-five years.** Burke is in error here. It was in 1742 — thirty-three years before — that Glover appeared before the House on behalf of some three hundred London merchants, who had petitioned for better protection for their commerce against Spanish privateers.

48 : 22. **Vouchers.** Used here in the sense of authorities or sources.

48 : 22. **Accounts on your table.** Accounts officially presented to the House.

48 : 24. **Davenant.** Charles Davenant (1656–1714). He was made inspector general of exports and imports in 1705. He wrote on economic subjects, his best-known work being his *Discourse on Revenue and Trade*.

48 : 28. **Terminating . . . in the colonies.** English manufactured goods were sent to Africa and exchanged for slaves, who were sold almost exclusively in America.

49 : 2. **North American.** Often applied collectively to all the English colonies in America except those in the West Indies.

51 : 3. **Mr. Speaker,** etc. Notice the skillful transition from a statistical exhibit to the highly rhetorical passage which follows.

51 : 4. **It is good for us to be here.** Compare *Matthew* xvii. 1–4.

51 : 12. **My Lord Bathurst.** Allen Bathurst (1684–1775). He became Earl Bathurst in 1772. He was on terms of intimacy with Congreve, Swift, Prior, Addison, Pope, Gay, and other literary men of his time. He died about six months after the delivery of this speech.

51 : 14. **Of an age . . . to comprehend.** Lord Bathurst entered Parliament in 1705.

51 : 15. **Acta parentum,** etc. To be able to study the deeds of his forefathers, and to learn what virtue is. Altered from Virgil, *Eclogues*, iv. 26, 27.

51 : 20. **In the fourth generation the third prince.** George III, the third prince of the House of Brunswick to become king of England, was the grandson of George II, whom he succeeded.

51 : 22. **Twelve years.** The reign of George III began in 1760.

51 : 24. **Was to be made Great Britain.** The union of England and Scotland in Great Britain did not take place until 1707.

51 : 25. **His son.** Henry, Baron Apsley, made lord chancellor in 1771.

52 : 11. **Taste of death.** See *Matthew* xvi. 28; *John* viii. 52; *Julius Cæsar*, ii. 2. 33: "The valiant never taste of death but once."

53 : 3. **The export.** The value of the exports.

53 : 14. **Detail the imports.** Give in detail the list of articles imported.

53 : 23. **Feeding plentifully their own growing multitude.** Americans were probably much better fed at this time than Englishmen. There was little poverty, and the standard of living, though simple, was higher for the middle and lower classes than in England.

53 : 28. **Corn.** Not Indian corn, but wheat, barley, and other grains used for making bread.

54 : 5. **The full breast.** A reference to the story of a Roman, who, condemned to death by starvation, was visited in prison by his daughter, who nourished him with milk from her own breast.

54 : 10. **Excite your envy.** In 1764 Grenville "adopted the plan of gradually giving up the bounty to the British whale fishery, which would be a saving of thirty thousand pounds a year to the treasury, and of relieving the American fishery from the inequality of the discriminating duty, except the old subsidy, which was scarcely one per cent. This is the most liberal act of Grenville's administration, of which the merit is not diminished by the fact that the American whale fishery was superseding the English under every discouragement. . . . So this valuable branch of trade, which produced annually three hundred thousand pounds, and which would give employment to many shipwrights and other artificers, and to three thousand seamen, was resigned to America" (Bancroft, *History of the United States*, v. 185). This important industry would be cut off by the bill now before Parliament.

54 : 23. **Serpent.** The Hydrus, or Water Serpent, a small constellation within the Antarctic Circle.

54 : 23. **Falkland Island.** The Falkland Islands, discovered in 1592, and occupied successively by France and Spain, passed into the control of England in 1771. Whalers resorted to the islands for provisions and water.

55 : 1. **Run the longitude.** An expression of uncertain meaning. Apparently it means to run east or west, though the direction here is south.

55 : 3. **Vexed.** "The still-vex'd Bermoothes," *Tempest*, i. 2. 229. "As mad as the vex'd sea," *King Lear*, iv. 4. 2.

55 : 11. **Owe little or nothing to any care of ours.** The sentence recalls the famous speech of Isaac Barré against the Stamp Act: "They [the colonies] planted by your care! No; your oppression planted them in America. . . . They nourished up by your indulgence! They grew by your neglect of them."

55 : 23. **In the gross.** As a whole.

56 : 2. **Wield the thunder.** An allusion to Jove and his thunderbolts.

57 : 2. **Caught by a foreign enemy.** It was widely feared, and with good reason, that, notwithstanding the peace of 1763, France and Spain would seize the first favorable opportunity to renew the war.

57 : 6. **Break the American spirit.** The Americans had been referred to in the debates as rebels who must be compelled to submit.

57 : 11. **Our ancient indulgence.** General Burgoyne had said, April 19, 1774, in the debate on the repeal of the tea duty: "I look upon America to be our child, which I think we have already spoiled by too much indulgence." Until 1764 no serious attempt was made to enforce the Navigation Acts, nor had the internal affairs of the colonies as a whole been much interfered with.

58 : 9. **Descendants of Englishmen.** Probably nine-tenths of the American colonists outside of Canada were of English descent. The principal foreign admixtures were the Dutch in New York, the Germans in Pennsylvania, and the Scotch-Irish in North and South Carolina. The population of Canada, on the other hand, was predominantly French.

58 : 12. **Emigrated from you.** The great period of emigration to America was the first half of the seventeenth century, when the people were struggling against James I and Charles I.

58 : 13. **Took this bias and direction.** Virginia after 1625, and Massachusetts from the beginning, were largely free from English control.

58 : 16. **Liberty according to English ideas.** The first charter of Virginia (1606) declares "that all and every the persons, being our subjects, which shall dwell and inhabit within every or any of the said several colonies and plantations, and every of their children which shall happen to be born within any of the limits and precincts of the said several colonies and plantations, shall have and enjoy all liberties, franchises, and immunities, within any of our other dominions, to all intents and purposes as if they had been abiding and born within this our realm of England, or any other

of our said dominions." Similar guarantees are found in later charters.

58 : 18. **Sensible object.** A tangible object, one that may be perceived by the senses ; not theoretical or abstract. There was a good deal of talk at this time about abstract liberty.

58 : 22. **Great contests for freedom.** For example, the struggle which ended in the grant of Magna Charta, and those which concerned subsidies, benevolences, monopolies, ship money, etc.

58 : 24. **Ancient commonwealths.** Particularly in Rome.

58 : 26. **Several orders.** Social classes, as patricians and plebeians.

59 : 7. **Parchments.** Documents. Statutes and important documents were written on parchment.

59 : 7. **Blind usages.** Usages which were established imperceptibly, and to which no definite origin could be assigned.

59 : 10. **In theory it ought to be so.** A rare instance with Burke of resort to theoretical proof.

59 : 20. **Fixed and attached.** Supply "itself." The meaning is that the colonies regarded the right of self-taxation as the chief test of liberty.

59 : 29. **Your mode of governing.** The colonies had never, until 1765, been taxed directly by England.

60 : 6. **Popular.** Controlled by the people, either directly, as in the town meeting, or indirectly, as in government by a legislature elected by the people.

60 : 7. **Merely popular.** Wholly popular, as in the New England towns.

60 : 10. **Aversion from.** Aversion *to* is now used.

60 : 18. **That kind.** Dissenters.

60 : 20. **Persuasion.** State of mind.

60 : 28. **Authority.** The secular government, or state.

61 : 6. **All Protestantism . . . is a sort of dissent.** An allusion to the original meaning of Protestant as "one who protests."

61. : 7. **The religion most prevalent.** Puritanism, in the form of Congregationalism, with the theology of Calvin.

61 : 9. **Dissidence of dissent.** Dissent carried to an extreme.

62 : 8. **Freedom is to them,** etc. Burke here touches upon one of the chief characteristics of Southern society.

62 : 10. **Freedom . . . may be united.** The presence of slave labor early operated to discourage free white labor in the South.

62 : 22. **Gothic.** In the sense, common in the eighteenth century, of "Teutonic" or "Germanic." The Goths, properly so called, were not the ancestors of the English.

62 : 23. **Were the Poles.** Until 1772, when the first partition of the country was made by Russia, Austria, and Prussia. Nine tenths of the population were serfs.

63 : 3. **Numerous and powerful.** One of the papers laid before Parliament, in 1766, relating to the disturbances over the Stamp Act, says of New York: "The gentlemen of the law, both the judges and the principal practitioners at the bar, are either owners or strongly connected in family interest with the proprietors in general. The gentlemen of the law some years since entered into an association, with intention among other things to assume the direction of government upon them by the influence they had in the assembly, gained by their family connection and by the profession of the law, whereby they are unavoidably in the secrets of many families. Many court their friendship, and all dread their hatred; by this means, though few of them are members, they rule the house of the assembly in all matters of importance" (*Parliamentary History*, xvi. 125).

63 : 5. **The Congress.** The First Continental Congress, which met at Philadelphia September 5, 1774.

63 : 10. **Plantations.** A common synonym at this time for "colonies."

63 : 12. **Blackstone's Commentaries.** Sir William Blackstone (1723–1780) published his *Commentaries on the Laws of England* between 1765 and 1769. The work at once became popular, and

long held its place as the best introduction to the study of English law.

63 : 13. **General Gage.** Thomas Gage (1721–1787). In 1763 he was made commander in chief of the English forces in America, and in 1774 governor and captain general of Massachusetts. He arrived in Boston in May, 1774.

63 : 14. **A letter on your table.** January 19, 1775, Lord North had laid before the House a letter from Gage, dated August 27, 1774, describing his unsuccessful attempts to enforce the provisions of the Massachusetts Government Act which forbade town meetings.

63 : 17. **By successful chicane.** The Massachusetts Government Act went into effect August 1, 1774, and after that date no town meetings could legally be held. The Boston town meeting held in July was adjourned until August 9, and again until October. The selectmen claimed that an adjourned meeting was not a new meeting, but a continuation of a former one, and therefore not in violation of the act.

63 : 22. **My honorable and learned friend.** Lord Thurlow, the attorney general, and as such a member of the ministry.

63 : 23. **On the floor.** The members of the House of Commons sit on benches, which are arranged in tiers, the lowest, that on the floor at the right of the Speaker, being reserved for members of the ministry. There is no provision of chairs and desks as in an American legislature or in Congress.

63 : 24. **Mark . . . for animadversion.** Thurlow was taking notes, and was the first to speak in reply to Burke.

64 : 2. **Abeunt,** etc. One's pursuits become habits.

64 : 5. **Mercurial cast.** Active character or nature.

64 : 19. **Winged ministers of vengeance.** The navy.

64 : 23. **So far shalt thou go, and no farther.** Compare *Job* xxxviii. 11. Hume, the first volume of whose *History of England* had been published in 1754, had popularized the legend of Canute and his courtiers.

65 : 9. **Spain in her provinces.** In Central and South America. The Spanish system of colonial administration was rapidly breaking down.

65 : 12. **Detached empire.** Empire whose parts or colonies are separated from the parent state.

65 : 16. **First mover of government.** An allusion to the Ptolemaic system of astronomy, in which the heavenly bodies are represented as forming a series of spheres, with the earth as the common center. The outermost sphere was called the *primum mobile*, or "first moved," and communicated its movement to the others. The "first mover" here is Great Britain.

65 : 18. **Grown with the growth,** etc. So Pope, *Essay on Man*, ii, 136: "Grows with his growth, and strengthens with his strength."

65 : 21. **However lawful.** The precise extent of the power of Parliament over the colonies had never been defined, but the better opinion of lawyers was that the power was absolute, and to be exercised at the discretion of Parliament.

65 : 24. **This excess.** The violent proceedings in the colonies.

66 : 7. **With all its imperfections.** Compare *Hamlet*, i. 5. 78, 79.

66 : 16. **Untractable.** Now usually "intractable."

66 : 24. **The popular part.** The representative assemblies of the colonial legislatures.

66 : 25. **Constitution.** System of government.

66 : 26. **Its first vital movement.** The colonial legislatures were summoned by the governor, who in most colonies was appointed by the crown.

67 : 3. **None but an obedient assembly should sit.** The New York Assembly had been suspended in 1767 for refusing to comply fully with the provisions of the Quartering Act (see MacDonald, *Select Charters*, 317–320). Many of the assemblies had been dissolved in 1768–1769 for expressing approval of the Massachusetts Circular (*ibid.*, 330–335). There had been numerous other instances since.

67 : 8. **Formed a government.** In the several colonies committees of correspondence had assumed practical direction of affairs. The enforcement of the "Association" was in the hands of committees. The formation of provincial congresses was also going on.

67 : 12. **Lord Dunmore.** John Murray, fourth Earl of Dunmore (1732–1809). He became governor of Virginia in 1772. His hostility to the popular party in the colonies made his testimony particularly valuable.

67 : 13. **The fragments on your table.** A letter from Dunmore, dated December 24, 1774, was laid before the House February 15, 1775. It was in part as follows: "As to the power of government which your lordship . . . directs should be exerted to counteract the dangerous measures pursuing here, I can assure your lordship, that it is entirely disregarded, if not wholly overturned. There is not a justice of peace in Virginia that acts, save as a committee man (*i.e.*, as a member of one of the committees appointed to execute the Association): the abolishing the courts of justice was the first step taken, in which the men of fortune and pre-eminence joined equally with the lowest and meanest. The general court of judicature of the colony is much in the same predicament; for though there are at least a majority of his Majesty's council who, with myself, are the judges of that court, that would steadily perform their duty, yet the lawyers have absolutely refused to attend, nor indeed would the people allow them to attend, or evidences to appear. Independent companies, &c. so universally supported, who have set themselves up superior to all other authority, under the auspices of their congress, the laws of which they talk of in a stile of respect, and treat with marks of reverence, which they never bestowed on their legal government, or the laws proceeding from it, I can assure your lordship, that I have discovered no instance where the interposition of government, in the feeble state to which it is reduced, could serve any other purpose than to suffer the disgrace of a disappointment, and thereby afford

matter of great exultation to its enemies, and increase their influence over the minds of the people" (*Parliamentary History*, xviii. 314, 315).

68 : 2. **Wholly abrogated the ancient government of Massachusetts.** By the Massachusetts Government Act, May 20, 1774. The important parts of the Act are in MacDonald, *Select Charters*, 343–350.

68 : 4. **Anarchy.** Not in the sense of disorder, but of the absence of an established government. It had been frequently predicted in the debates that the act would restore quiet and secure obedience.

68 : 6. **Anarchy is found tolerable.** The act was generally disregarded, but the colony continued without disorder under the committees of correspondence, the Provincial Congress, and the officials of the town governments.

68 : 9. **Without public council**, etc. Most of the members of the council who had been chosen under the new system had resigned, as had also the judges, whose salaries were to be paid by the crown. The resignations were not all voluntary.

69 : 20. **Giving up the colonies.** Proposed in 1774 by Dr. Josiah Tucker (1711–1799), Dean of Gloucester, in a tract entitled, *The True Interest of Great Britain set forth in regard to the Colonies, and the only Means of living in Peace and Harmony with them*. The work attracted much attention, and was reprinted in America. On the plan see Lecky, *History of England*, iii. 421–424. Burke minimizes the importance of the suggestion.

70 : 8. **No further grants of land.** The region between East and West Florida and the great lakes, and the Appalachian Mountains and the Mississippi, was crown land, and might be granted to individuals or companies at discretion.

70 : 25. **Back settlements.** The frontier, often referred to as the "back country."

71 : 6. **Hordes of English Tartars.** An allusion to the invasion of Europe by the Goths and Huns in the fourth and fifth centuries.

71 : 9. **Collectors.** Of customs rather than of taxes, the latter being chosen by the people.

71 : 10. **Slaves.** Minor officials, whose continuance in office, in the then corrupt state of politics, depended on slavish obedience to those above them.

71 : 13. **Increase and multiply.** Compare *Genesis* ix. 1.

71 : 16. **Express charter.** Compare *Psalm* cxv. 16. Grants of land were set forth in written documents known as charters or patents.

71 : 22. **Wax and parchment.** "The observance of legal forms and modes of procedure."

71 : 22. **Thrown each tract . . . into districts.** Indicated its boundaries and extended government over it.

72 : 4. **A system of this kind.** The Navigation Acts or Acts of Trade.

72 : 25. **Spoliatis arma,** etc. Arms still remain to be plundered.

73 : 5. **Your speech would betray you.** See *Matthew* xxvi. 73.

73 : 16. **Burn their books.** See *Acts* xix. 19.

74 : 1. **Advocates and panegyrists.** Dr. Johnson, in *Taxation no Tyranny*, lately published, had commended it.

74 : 2. **Into any opinion of it.** Into thinking well of it.

74 : 4. **Would not always be accepted.** Governor Dunmore tried it in Virginia in November, 1775, when freedom was promised to all negro slaves and indented servants who should join his force; but few responded. See Bancroft, *History of the United States*, viii. 223–225.

74 : 17. **That very nation which has sold them.** England was at this time the principal slave-trading nation, and a large amount of capital was invested in the trade.

74 : 19. **Refusal.** The second article of the *Association* read: "We will neither import nor purchase any slave imported after the first day of December next [1774]; after which time we will wholly discontinue the slave trade, and will neither be concerned in it

ourselves, nor will we hire our vessels nor sell our commodities or manufactures to those who are concerned in it." There had always been a strong opposition in America to the slave trade, but Great Britain forced slaves on the colonies notwithstanding. Up to this time more than thirty acts of the Virginia Assembly imposing restrictions on the trade had been set aside by the king in council.

74 : 22. **An African vessel.** An English or colonial vessel from Africa.

74 : 23. **Carolina.** North and South Carolina were separate colonies, but the old name of Carolina was still often applied to them.

74 : 24. **Angola.** A district on the west coast of Africa from which large numbers of slaves were shipped.

74 : 25. **Guinea captain.** An English captain of a ship trading with Guinea.

75 : 3. "Ye gods." From *Martinus Scriblerus, or the Art of Sinking in Poetry*, the joint work of Pope, Swift, and Arbuthnot, chiefly the latter. See Pope, *Works* (Edition 1753), vi, 165–223.

75 : 14. **Prosecute . . . as criminal.** The notion of treating the colonists as criminals had frequently been brought forward in the debates.

75 : 21. **Bands of men.** Such as the Sons of Liberty, and the organized mobs which had compelled the resignation of judges and other officers.

76 : 2. **Sir Edward Coke.** An eminent lawyer, 1552–1634. At the trial of Ralegh for treason, in 1603, Coke denounced the prisoner in a most scandalous manner. "The confidentist traitor that ever came at a bar," "the most vile and execrable traitor that ever lived," "thy vituperous treasons," were some of the expressions used.

76 : 6. **Upon the very same title that I am.** Elected by popular vote as I am.

76 : 24. **Ex vi termini**, from the force of the term.

78 : 14. **Those very persons.** The majority in Parliament.

78 : 16. **Declaring a rebellion.** The address to the king, Feb. 9, 1775, had asserted "that a part of your Majesty's subjects in the Province of the Massachusetts Bay have proceeded so far to resist the authority of the supreme Legislature that a rebellion at this time actually exists within the said Province." Eighteen Lords entered a protest against the address. The protest, probably drawn up by Burke, declared that "no legal grounds were laid in argument or in fact to show that a rebellion, properly so called, did exist in Massachusetts Bay, when the papers of the latest date, and from whence alone we derive our information, were written. The overt acts to which the species of treason, affirmed in the address, ought to be applied, were not established, nor any offenders marked out. But a general mass of the acts of turbulence, said to be done at various times and places, and of various natures, were all thrown together to make out one general constructive treason. Neither was there any sort of proof of the continuance of any unlawful force from whence we could infer that a rebellion does now exist. And we are the more cautious of pronouncing any part of his Majesty's dominions to be in actual rebellion, because the cases of constructive treason under that branch of the 25th of Edward the 3rd, which describes the crime of rebellion, have been already so far extended by the judges, and the distinctions thereupon so nice and subtle, that no prudent man ought to declare any single person in that situation, without the clearest evidence of uncontrovertible overt acts, to warrant such a declaration. Much less ought so high an authority as both Houses of Parliament, to denounce so severe a judgment against a considerable part of his Majesty's subjects, by which his forces may think themselves justified in commencing a war, without any further order or commission" (*Parliamentary History*, xviii, 294, 295).

78 : 17. **Formerly addressed.** In February, 1769, the two Houses of Parliament had presented an address to the king urging

that Governor Bernard be directed "to take the most effectual methods" for apprehending the persons responsible for the recent disorders in Massachusetts, "with a view to sending them to England for trial, under a statute passed in the reign of Henry VIII for the trial of treasons committed out of the kingdom." Burke discussed the proposal in his *Letter to the Sheriffs of Bristol*, 1777.

79 : 4. **Penal laws.** Burke enumerates them in one of his resolutions, pp. 106, 107.

79 : 24. **The colonies complain.** See the *Declaration and Resolves* of the First Continental Congress, Oct. 14, 1774 (MacDonald, *Select Charters*, 356–361). The fourth resolution declared: "That the foundation of English liberty, and all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented, in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed."

80 : 12. **Profound learning.** The question of the right of Parliament to tax the colonies had been for more than ten years the subject of earnest and learned discussion in both England and America. For a summary by Burke of the arguments, see the *Annual Register*, 1766, pp. 37–44.

81 : 1. **Serbonian bog.** From *Paradise Lost*, ii. 592–594.

81 : 22. **Unity of spirit.** See *1 Corinthians* xii. 4; *Ephesians* iv. 3.

82 : 27. **American financiers.** Men interested in taxing the colonies merely for the sake of revenue.

83 : 6. **Further views.** It had been frequently urged that, if the assertion of the taxing power were given up, the colonies would be encouraged to demand further concessions.

83 : 7. **Trade laws.** Navigation Acts.

83 : 11. **A gentleman of real moderation.** George Rice (1742–1779), in a speech, April 19, 1774, on the repeal of the tea duty.

83 : 22. **Futile and useless.** The enforcement of the Acts of Trade as a whole had in fact been very lax, and in consequence the interference with the natural growth of colonial trade had not been great.

84 : 17. **The pamphlet.** By Dean Tucker.

84 : 27. **True ground of the quarrel.** The primary objection of the colonies was to taxation, not to the regulation of their trade.

85 : 8. **Not a shadow of evidence.** The statement is, in a way, too strong. There had been occasional protests against the Acts of Trade. The systematic evasion, however, of such acts as bore heavily on American trade made the protests of little general importance.

85 : 25. **Will go further.** Will demand further concessions.

86 : 24. **Austrian family.** Charles I of Spain, grandson of the Emperor Maximilian, became the Emperor Charles V in 1519. The dynasty ended with the death of Charles II, in 1700.

86 : 27. **Philip the Second,** 1527–1598.

87 : 1. **Not chosen the most perfect standard.** "He (Philip) lived to see the vast strength which fell to him as a legacy slip out of his hands, and to see Spain sink to a condition of comparative weakness" (Fisher).

87 : 9. **English conquest.** By Henry II, in 1172.

87 : 10. **No Parliament.** The Irish were divided into tribes or clans, with a chief at the head of each.

87 : 14. **Such as England then enjoyed.** The Great Council of barons and representatives of the church. Representatives from cities and boroughs were first summoned to Parliament in 1265.

87 : 21. **Magna Charta.** The Great Charter extorted from John in 1215.

87 : 27. **Not at first extended.** It was not until 1494, in the reign of Henry VII, that "it was enacted that all English laws in force at that time should be obeyed in Ireland" (Gardiner, *Students' History of England*, 351).

88 : 2. **Your privileges.** The privileges of the English Pale—the region about Dublin to which English authority was for many years restricted.

88 : 2. **Sir John Davies.** 1569–1626. He published in 1612 the *Discovery of the true Causes why Ireland was never entirely Subdued nor brought under Obedience of the Crown of England until the Beginning of his Majesty's happy Reign.*

88 : 5. **Military government.** The Earl of Essex and Lord Mountjoy had been sent to Ireland in 1599 and 1600 to put down rebellion.

88 : 20. **Glorious Revolution.** The English Revolution of 1688. "Glorious" because a victory for Whig principles, in which Burke believed.

88 : 21. **This has made Ireland,** etc. The picture is overdrawn. The treatment of Ireland by England had for centuries been discreditable, and the relations between the two countries were almost always strained, but Ireland could hardly be called a "great and flourishing kingdom" at this time.

89 : 8. **Irish pensioners.** Pensioners, many of them Englishmen, paid out of the revenue from Ireland. Lecky characterizes the system at this time as "scandalous."

89 : 15. **Henry the Third.** There was intermittent war between England and Wales throughout the first half of the thirteenth century. After the defeat and death of Simon de Montfort at Evesham, in 1265, Llewellyn, Prince of Wales, who had joined Earl Simon against Henry III, submitted and did homage.

89 : 16. **Edward the First.** War was renewed in 1277, and resulted in the conquest of the country by the English. The Statute of Wales, a body of laws established in 1284, provided for the government of the country.

89 : 17. **Not looked upon.** The union of Wales and England was not completed until 1536.

89 : 21. **Lords Marchers.** Lords of the marches, or border territories, to whom had been given authority to conquer and govern so much of the country as they were able. Around the castles of the marchers the towns of Wales grew up. The system was not established by Edward I, but had been in existence since 1090, in the reign of William II. After the conquest of Wales, in 1284, no more marches were created.

90 : 10. **Prohibit by proclamation.** The consuls and agents of England in Europe had been specially charged to prevent, if possible, the shipment of arms and military supplies to the colonies.

90 : 14. **Disarm New England.** Gage had made several seizures of powder and stores in the vicinity of Boston. A letter reporting his action had been laid before the House, January 19, 1775.

90 : 17. **With more hardship.** Because of the greater distance.

91 : 14. **Twenty-seventh year.** 1535–1536. English statutes are designated as the statutes of such and such a year of the sovereign. Each statute is called a chapter. The act referred to here would be cited as 27 Henry VIII, chapter 26.

91 : 29. **Day-star.** Compare *2 Peter* i. 19.

92 : 3. **Simul alba,** etc.

> "When mariners their white star see,—
> Drops from the rocks the refluent spray,
> The clouds disperse, the winds subside,
> While threatening waves their will obey
> And slumber on the tranquil tide."
>
> — Horace, *Odes*, i. 12 (Sargent's translation).

92 : 9. **County Palatine.** Latin *palatium*, a palace. A county palatine was one whose head had virtually the powers of an independent sovereign. Chester was granted by William I, being designed to serve as a barrier against the Welsh. Like the other palatine counties, it had its own parliament and system of courts. The eldest son of the sovereign is still given the title of Earl of

Chester. The county was given representation in Parliament in 1541.

92 : 14. **Richard the Second.** 1377–1399.

93 : 6. **Knight ne burgess.** The former represented counties or shires, and the latter boroughs or towns, in Parliament.

93 : 8. **Touched and grieved.** Affected to their disadvantage or injury.

93 : 14. **Libel.** Perhaps referring to Gage's rejection, in June, 1774, of an address from the council of Massachusetts reflecting on the conduct of two of his predecessors. Gage characterized the address as a "libel," an "insult" to the king, and an "affront" to himself.

93 : 28. **Charles the Second.** 1660–1685.

93 : 29. **Durham.** Durham was given representation in Parliament in 1675, but remained a palatine county under a bishop until 1836.

94 : 18. **Judge Barrington.** Daines Barrington (1727–1800). He was appointed justice of the Welsh counties of Merioneth, Carnarvon, and Anglesey in 1757.

95 : 15. **Opposuit natura,** nature opposed. Juvenal, *Satires* x, 152.

95 : 17. **I do not know to be possible.** The Resolutions of the Stamp Act Congress and the Declaration and Resolves of the First Continental Congress had both declared such representation to be impracticable.

95 : 20. **Those . . . more confident.** Franklin seems to have thought it feasible in 1754. In 1769 he still thought it "by no means impracticable," but confessed that the time for such a suggestion had passed, and that the colonies were indifferent to it.

95 : 21. **Arm . . . is not shortened.** Compare *Isaiah* lix. 1.

96 : 4. **Republic . . . Utopia . . . Oceana.** Three works outlining the constitution and government of an imaginary republic. The *Republic*, in form an elaborate dialogue, is one of the best known works of Plato (428–347 B.C.) Sir Thomas More (1478–

1535) published his *Utopia* in 1516. The *Oceana* of James Harrington (1611–1677) appeared in 1656. On More's work see Kaufman, *Utopias*, chap. I.

96 : 7. **Rude swain.** From Milton, *Comus*, 634, 635, but inaccurately quoted.

96 : 8. **Clouted shoon.** Shoes with clout nails, *i.e.* short nails with large heads.

96 : 17. **Grant.** A voluntary contribution, in this case voted by a colonial assembly.

96 : 18. **Imposition.** A tax imposed by Parliament.

96 : 20. **Aids.** In the sense of additional grants.

97 : 3. **Temple of British concord.** An allusion to the Temple of Concord at Rome.

97 : 17. **Fourteen . . . governments.** Besides the thirteen continental colonies which were soon to revolt, Burke may have had specially in mind Quebec, acquired from France in 1763. Nova Scotia also had a government like that of the other colonies.

97 : 23. **Description.** The parties named — in this case the colonies and plantations — as distinct from the facts alleged.

97 : 28. **Given and granted.** Supplies voted by Parliament are conceived of as granted to the Crown, as was long the case in fact.

98 : 14. **Non meus.** Misquoted from Horace, *Satires*, ii. 2, 2–3. "Nor is it I that speak, but Ofellus, that plain, simple sage, wise without precepts." (Patrick's translation, ii. 112.)

98 : 20. **Touch with a tool.** Compare *Exodus* xx. 25.

98 : 28. **Wise beyond what was written.** Compare *1 Corinthians* iv. 6.

98 : 29. **Form of sound words.** Compare *2 Timothy* i. 13.

99 : 28. **Sixth of George the Second.** The so-called Molasses Act of 1733, imposing practically prohibitory duties on rum, sugar, and molasses imported into the colonies. The important sections of the act are in MacDonald, *Select Charters*, 249–251.

100 : 4. **Duties of 1767.** The Townshend Revenue Act.

100 : 5. **Lord Hillsborough.** 1718–1793. He was secretary of state for the colonies from 1768 to 1772. The reference is to a circular letter to the governors, May 13, 1769, in which Hillsborough declared "that his Majesty's present administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America for the purpose of raising a revenue ; and that it is at present their intention to propose the next session of Parliament to take off the duties upon glass, paper, and colors, upon consideration of such duties having been laid contrary to the true principles of commerce."

100 : 10. **The resolution of the noble lord.** Lord North's conciliatory resolution.

100 : 19. **On the paper.** In the text of the resolution itself.

100 : 26. **Freemen.** Those who enjoy all the rights of citizens. The word is often used in American colonial history as synonymous with voters.

100 : 26. **Freeholders.** Those holding land to which they have absolute title. A property qualification for voting was universal in the colonies.

101 : 5. **Acts of supply.** Acts for raising revenue.

101 : 6. **Style.** Form of words, usually referring to the title of the Act. Article 1 of the Articles of Confederation reads : "The style of this confederacy shall be 'The United States of America.' "

101 : 7. **Aid.** An aid was originally a free grant of money for some particular purpose, and the idea of freedom in the grant continued after occasional aids had given place to regular taxes. Burke emphasizes the original meaning of the word.

101 : 8. **Passed the public offices.** Been approved by the proper officers.

101 : 15. **Law servants of the crown.** Lord Mansfield, the chief justice and a supporter of the Stamp Act, had declared in 1766, in a debate in the Lords, that no money could be raised by taxation without the consent of Parliament.

101 : 16. **If the crown could be responsible.** The sovereign is not responsible to Parliament, but the ministers are. The former, however, is bound to act in accordance with the advice of the latter in all save foreign affairs.

101 : 20. **Impeachable offences.** Impeachment is a method of trying and punishing persons for political offenses. The charges are preferred by the House of Commons, and the case is tried before the House of Lords.

101 : 21. **Council.** The Privy Council, formerly a body of advisers to the Crown, but now a formal body which "meets for the purpose of making orders, issuing proclamations, or attending at formal acts of State." Cabinet ministers are members of the Council.

101 : 22. **Secretaries of state.** There were at this time three such officials, one being the Secretary of State for the Colonies.

101 : 22. **Lords of trade.** The usual short designation of the Lords of the Committee of Trade and Plantations, a committee of the Privy Council to whom the oversight of colonial affairs and trade was intrusted. The committee became the Board of Trade in 1786. See Hart, *Contemporaries*, ii, 129–131.

101 : 22. **Attorneys and all solicitors-general.** The first is the chief legal adviser of the government. The second is a legal official associated with the attorney-general.

102 : 9. **Great expenses.** Franklin, in his examination before the House of Commons, in January, 1766, said: "The colonies raised, clothed, and paid, during the last war, near 25,000 men, and spent many millions. . . . We were only reimbursed what, in your opinion, we had advanced beyond our proportion, or beyond what might reasonably be expected from us; and it was a very small part of what we spent." *Works* (Sparks's edition), iv, 167.

102 : 11. **1695.** The date seems to have no special significance. The first of the four wars between the French and English colonies was then going on.

102 : 12. **1710.** The year in which Port Royal was taken by an English force composed in part of New England men.

102 : 13. **Journals.** Of Parliament. The journal is the legal record of proceedings.

102 : 16. 1748. The date of the treaty of Aix-la-Chapelle, closing the War of the Austrian Succession, — the war known in America as King George's War.

102 : 22. **Cape Breton.** Taken by the English during the war, but restored to France by the treaty of peace.

103 : 25. **Legally.** An allusion to the extreme view that money for the Crown could be raised only by authority of Parliament, and could not be granted by the colonies even as a free gift without permission.

104 : 8. **Miserable stories.** Many false and exaggerated reports of what had taken place in America, and of the refusal of the colonies to bear any part of the expense incurred in their defense, were current in England.

104 : 13. **Paid no taxes.** A common argument.

104 : 16. **Mr. Grenville.** George Grenville (1712–1770). He was prime minister from 1763 to 1765.

104 : 23. **Funds given for sinking the debt.** The taxes raised by the several colonies for the payment of their debts.

106 : 21. **An act for granting certain duties,** etc. The Townshend Revenue Act. The duties imposed by this act, except the duty on tea, had already been repealed by an act of 1770.

106 : 23. **Drawback.** A rebate, in whole or in part, of the import duties paid on articles subsequently exported.

107 : 1. **An act to discontinue,** etc. The Boston Port Act, 1774.

107 : 7. **An act for the impartial administration of justice,** etc. The Administration of Justice Act, 1774.

107 : 12. **An act for the better regulating,** etc. The Massachusetts Government Act, 1774.

107 : 20. **During the king's pleasure.** Section viii of the act provided "that whenever it shall be made to appear to his Majesty, in his privy council, that peace and obedience to the laws

shall be so far restored in the said town of Boston that the trade of Great Britain may safely be carried on there, and his Majesty's customs duty collected, and his Majesty, in his privy council, shall adjudge the same to be true," commerce might be resumed.

107 : 23. **Boston was not heard.** Persons or corporations affected by proposed legislation are usually entitled to a hearing, either by petition or through representatives. The Boston Port Act was rushed through Parliament, being introduced March 14, 1774, and receiving the royal assent March 31.

108 : 4. **Crown has far less power.** The charters of Rhode Island and Connecticut were the most liberal of all the colonial charters. In neither case did the Crown reserve any direct authority over the colony.

108 : 6. **Abuses have been full as great.** Massachusetts was certainly the greater offender, but resistance and violence had characterized proceedings in the other colonies as well.

108 : 16. **At his pleasure.** The statement is not quite accurate. The act vested the appointment of sheriffs in the governor, without the consent of the council, but the consent of the council was necessary to their removal.

108 : 16. **Returning officer.** The sheriff, who under the act was to return to the court the names of jurors. Jurors had hitherto been chosen by the towns.

108 : 21. **Temporary.** The act was to continue in force for three years from June 1, 1774.

108 : 29. **Original intention.** The title of the act was: "An Act concerning the Trial of Treasons committed out of the King's Majesty's Dominions."

109 : 14. **Good behavior.** Until the outbreak of the dispute with the mother country, the higher judicial officers in the colonies had held office during good behavior, thus being made independent of political control. In December, 1761, however, the colonial governors had been instructed "to grant no judicial commissions but during pleasure." The change created widespread alarm in

the colonies. The Massachusetts Circular Letter of 1768 questioned, among other points, "Whether any people can be said to enjoy any degree of freedom if . . . while the judges of the land, and other civil officers, hold not their commissions during good behavior, their having salaries appointed for them by the Crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject."

109 : 20. **Courts of admiralty.** These courts had jurisdiction of maritime cases, including smuggling, and as they sat without a jury, subjection to their authority was felt by the colonists to be an especial grievance. Offences against the Stamp Act had also been placed within the jurisdiction of the admiralty courts concurrently with other courts. The resolutions of the Stamp Act Congress protested that this had "a manifest tendency to subvert the rights and liberties of the colonists."

109 : 24. **More commodious.** Held at more convenient or accessible places.

109 : 26. **Decent maintenance.** The first edition of the speech has the following footnote : "The solicitor-general informed Mr. B., when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by office ; accordingly the resolution was amended."

110 : 8. **Congress complain.** The extension of the jurisdiction of the admiralty courts had been condemned in the Declaration and Resolves of the First Continental Congress as "subversive of American rights." In an "Address to the People of Great Britain" the Congress had said : "It was ordained that whenever offenses should be committed in the colonies against particular acts imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty ; by which means the subject lost the advantage of being tried by an honest, uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the

prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence or to suffer. To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided that the judge's certificate of there having been probable causes of seizure and prosecution shall protect the prosecutor from actions at common law for recovery of damages" (*Journals of Congress*, i. 41).

110 : 23. **Prove too much.** This had been urged in the House of Lords at the time of the repeal of the Stamp Act.

111 : 5. **Disclaim any such inference.** Burke, it should be remembered, always defended the settlement made in 1766.

111 : 9. **Moved to have read.** In a speech of January 14, 1766.

111 : 10. **Lord Chatham.** William Pitt (1708–1778), first Earl of Chatham, and the foremost champion of the American cause in Parliament.

111 : 11. **In favor of his opinions.** He had cited the cases of Chester, Durham, and Wales in a speech in reply to Grenville.

111 : 23. **De jure or de facto,** in law or in fact.

112 : 1. **The demand of immunity.** This had been the chief demand of the colonies up to this time.

112 : 26. **The immediate jewel of his soul.** Compare *Othello*, iii. 3. 155, 156.

112 : 26. **Great house.** Compare Juvenal, *Satires*, v. 66: "Every great house is full of haughty slaves."

113 : 12. **The cords of man.** Compare *Hosea* xi. 4.

113 : 14. **Aristotle . . . cautions us.** "In pursuing this study [ethics], we shall have done enough if we attain such precision as the subject permits of. For it is a mistake to look for the same exactness in all kinds of reasoning, just as it would be in all kinds of manufacture. . . . We must be satisfied, therefore, in reasoning upon these subjects, to give only a rough sketch of the truth, and when our premises are not universal laws but statements of what generally or probably occurs, to draw only probable con-

clusions. In the same spirit the reader must accept all that is here stated, for no one who pretends to education will look for more exactness in the treatment of any subject than the nature of the subject admits of. To ask mathematical demonstrations from an orator is as absurd as to accept probable reasoning from a mathematician" (Aristotle, *Nicomachean Ethics*, Bk. i, chap. iii, Muirhead's translation).

115 : 9. **The committee.** The House sitting as a Committee of the Whole, February 20.

115 : 15. **Experimentum,** etc. Let the experiment be made on something worthless.

115 : 21. **Taxing . . . in the ante-chamber.** Taxing by decision of the cabinet instead of by vote of Parliament. The paragraph that follows is a keen exposition of the way in which Lord North's plan of conciliation might very possibly work.

117 : 9. **General powers.** The colonial agents acted under instructions from the assemblies.

117 : 16. **What is the condition.** The report of Congress on Lord North's proposition, July 31, 1775, says: "We are of the opinion that the proposition contained in this resolution is unreasonable and insidious: unreasonable, because, if we declare we accede to it, we declare, without reservation, we will purchase the favor of parliament, not knowing at the same time at what price they will please to estimate their favor; it is insidious, because individual colonies, having bid and bidden again till they find the avidity of the seller too great for all their powers to satisfy, are then to return into opposition, divided from their sister colonies, whom the minister will have previously detached by a grant of easier terms, or by an artful procrastination of a definitive answer." The whole report should be read in connection with this portion of the address. The report is in MacDonald, *Select Charters*, 385–389.

117 : 26. **Perfectly convinced.** Since the repeal of the Stamp Act there had been no serious thought of taxing the colonies save by the imposition of customs duties.

118 : 6. **English revenue.** England derived a large revenue from the import duties on tobacco, and the trade in this commodity had been the subject of repeated regulation by Parliament.

118 : 19. **Confound the innocent with the guilty.** The argument had been advanced in debate. The active resistance of the colonies was still the work of a minority.

119 : 1. **Quota.** The amount apportioned to each colony.

119 : 14. **Empire of Germany.** Not to be confounded with the kingdom of Prussia.

119 : 24. **Not be to their taste.** In introducing his conciliatory resolution, Lord North had said that "it is very probable the propositions contained in this resolution may not be acceptable to the Americans in general."

120 : 15. **Long discourse.** The speech occupied three hours in delivery.

120 : 22. **Mean to spare it.** "Before the year 1775 closed, Burke must have spoken at least a dozen times more on America; and on November 16 he offered another bill for conciliating the colonies" (Lamont).

121 : 11. **Posita luditur arca,** the chest (*i.e.* the public revenue) is put at stake. From Juvenal, *Satires*, i. 90.

121 : 15. **Debt.** Cited as proof of the financial strength of the kingdom.

122 : 22. **Ease would retract.** Misquoted from *Paradise Lost*, iv. 96, 97.

122 : 26. **The immense, ever-growing, eternal debt.** Compare *Paradise Lost*, iv. 53.

123 : 11. **Bengal.** "An arrangement was, in 1769, made between the Administration and the East India Directors. The Company were to hold the territorial revenues of India for five years, they paying £400,000 annually into the Exchequer. But in 1770 the resources of India materially failed. There was a terrible famine in Bengal, in which it is supposed that one third of the inhabitants perished. In 1772 the Company declared a deficiency

of above a million; obtained loans from the Bank of England to a large amount; and at last went to Parliament for aid. . . . In 1773 an act was passed by which £1,400,000 was lent to the Company; the payment of £400,000 per annum was postponed; and the dividend of the proprietors was restricted to 6 per cent. until the loan should be repaid" (Knight, *History of England*, vi. 334).

123 : 18. **Foreign sale.** Sale in foreign countries. Under the Navigation Acts colonial trade with Europe, Asia, and Africa had been compelled to pass through England.

123 : 26. **Enemies.** France and Spain.

124 : 6. **Light as air.** Compare *Othello*, iii. 3. 322–324.

124 : 7. **Links of iron.** Compare *Julius Cæsar*, i. 3. 94, 95.

124 : 9. **Grapple.** Compare *Hamlet*, i. 3. 63.

124 : 19. **Turn their faces.** See *1 Kings* viii. 44, 45.

124 : 27. **Commodity of price.** Compare *Matthew* xiii. 46.

125 : 10. **Letters of office.** Official letters.

125 : 10. **Instructions.** Governors and other crown officials in the colonies were constantly in receipt of instructions from the Lords of Trade or the Secretary of State.

125 : 11. **Suspending clauses.** Clauses or sections in statutes authorizing the suspension of the act, in whole or in part, under certain circumstances.

125 : 22. **Land Tax Act.** The land tax was one of the most important sources of revenue in England. The reduction of the tax from 4*s.* to 3*s.* in the pound, in 1766, created a deficiency in the revenue which the Townshend Revenue Act aimed to make good in part.

125 : 23. **Annual vote.** Appropriations for the support of the army are made annually.

125 : 24. **Mutiny Bill.** An act, also passed annually, providing for the maintenance of discipline by military law.

126 : 4. **Profane herd.** Compare Horace, *Odes*, iii. i. 1: "I hate and banish hence the crowd profane" (Sargent's translation, 113).

126 : 13. **All in all.** Compare *1 Corinthians* xv. 28.

126 : 17. **Auspicate.** Seek favor for in beginning. A reference to the Roman auspices.

126 : 19. **Sursum corda.** Lift up your hearts. A phrase used in the mass, and in the communion service of the Church of England, as the priest proceeds to the consecration of the elements.

126 : 22. **High calling.** Compare *Philippians* iii. 14.

127 : 3. **Quod felix,** etc. May it be happy and prosperous !

127 : 12. **Previous question.** A formal motion, not debatable, used to end debate and bring about an immediate vote. The practice is often referred to as the closure.

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